

the immediate prohibition of the sale of liquors for beverage purposes, in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petitions of citizens of Potsdam, N. Y., for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

Also, petition of citizens of Gouverneur, N. Y., favoring the passage of the Gronna-Randall bill to conserve the foodstuffs used in making intoxicating beverages and limit liquors on hand to nonbeverage uses, and protesting against taxing liquors and so raising higher revenue barriers to prohibition; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of Norman McKinnon and others, of Utica, N. Y., for moral conditions in military camps and national prohibition; to the Committee on the Judiciary.

By Mr. STRONG: Resolutions of the Sunday School of the First Presbyterian Church and of the Sunday School of the Reformed Church, both of Apollo, Pa., favoring the enactment of laws preventing the use of grain for the manufacture of liquors during the period of the war; to the Committee on the Judiciary.

By Mr. TILSON: Memorials of members of Immanuel Baptist Church and St. Andrews Methodist Episcopal Church, of New Haven, Conn., urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Rev. E. M. Holmes and 54 other residents of Lenox, Iowa, petitioning for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on the Judiciary.

By Mr. WASON: Petitions of 68 residents of the town of Enfield, N. H., and vicinity, for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors for beverage purposes in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people; to the Committee on Agriculture.

By Mr. WOODYARD: Petition of citizens of St. Marys, W. Va., favoring prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

TUESDAY, May 29, 1917.

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

Almighty God, we come to Thee, we trust, with an ever-increasing sense of our dependence upon Thee. As time moves on with its ever-increasing purpose it has brought us face to face with problems which test and try all the capacity of human life. We pray that in the unity of our spirit and counsel we may have the assurance that we are being led on by the great God of our fathers. Do Thou give to us the sense of security and peace that comes only when we put our trust in Thee. Guide us in the discharge of the duties of this day. We humbly ask, for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PROPOSED TAX ON DOGS.

The VICE PRESIDENT. The Chair lays before the Senate a communication, which will be read.

The Secretary read as follows:

BUCK GROVE, IOWA, May 26, 1917.
Washington, D. C.

HONORABLE SIRS: If your respected body would care to raise a large amount of revenue and at the same time add, indirectly, to the food supply of the country, while at the same time inflicting no hardships on anyone, tax dogs. Put a tax of \$5 a head on all boy dogs and \$25 on each female dog. This is not a high tax for a luxury, which a dog is, to a vast majority of owners. To avoid the tax hundreds of thousands of the brutes would be killed, and that is where the saving of food would come in.

Twenty million is, I believe, a conservative estimate of the number of dogs in the United States. They will weigh, on an average, 30 pounds each, perhaps more. A dog of this size will consume as much food as the average human. Besides this loss, hundreds of thousands of sheep are annually slaughtered by dogs, and at frequent intervals a human

life is sacrificed. All the dogs in the world are not worth one human life.

Pass a national law requiring that all dogs be taxed, and that, the tax having been paid, the animal shall wear a collar with a small jingling bell attached, and that any dog running at large without the bell may be killed by anyone on sight.

Respectfully,

A. F. BONNEY.

Mr. STONE. Mr. President, I wondered why it was not proposed in this letter to use dogs for sausage and thus help along the general cause of conserving food. [Laughter.]

The VICE PRESIDENT. The communication will be referred to the Committee on Agriculture and Forestry.

CALLING OF THE ROLL.

Mr. JONES of Washington. Mr. President, I think we would make progress and save time by having a quorum before we start on general morning business. I think we should have had a quorum to have heard the letter read. 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:

Beckham	James	Overman	Smith, Ga.
Brady	Johnson, Cal.	Page	Smoot
Brandegge	Jones, N. Mex.	Penrose	Sterling
Broussard	Jones, Wash.	Pittman	Stone
Calder	Kellogg	Poinceter	Sutherland
Colt	Kenyon	Pomerene	Townsend
Culberson	Kirby	Ransdell	Trammell
Curtis	Knox	Robinson	Vardaman
Fletcher	La Follette	Saulsbury	Walsh
Frelinghuysen	Lodge	Shafroth	Watson
Gerry	McCumber	Sheppard	Williams
Gore	McKellar	Sherman	Wolcott
Hitchcock	McLean	Shields	
Hollis	Myers	Simmons	
Husting	Nelson	Smith, Ariz.	

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan]. He has a general pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS]. I will state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I will let this announcement stand for the day.

Mr. WATSON. I desire to announce that my colleague [Mr. NEW] is absent on official business.

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

Mr. GERRY. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Utah [Mr. KING], the Senator from Wyoming [Mr. KENDRICK], the Senator from Kansas [Mr. THOMPSON], the Senator from California [Mr. PHELAN], and the Senator from Arizona [Mr. ASHURST] on official business. I wish also to announce the absence of the Senator from Illinois [Mr. LEWIS] on important business and the absence of the Senator from South Carolina [Mr. TILLMAN] on account of illness. I ask that this announcement may stand for the day.

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

CADETS AT MILITARY ACADEMY.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War in response to a resolution of the 23d instant, which will be printed in the RECORD and referred to the Committee on Military Affairs.

The communication is as follows:

MAY 26, 1917.

To the PRESIDENT OF THE SENATE,
Washington.

SIR: In response to Senate resolution No. 67, of May 23, 1917, in which the Secretary of War is directed to furnish to the Senate as soon as possible certain information concerning the appointment and admission of cadets to the United States Military Academy, I beg leave to report as follows:

1. The total number of cadets in the Military Academy at West Point, and number from each State.

The total number of cadets in the Military Academy, including 3 foreigners, is 554. These cadets are apportioned among the States and Territories, the District of Columbia, the United States at large, the Philippine Islands, "honor schools," the National Guard, the Army, and foreign countries, as follows:

Alabama	13
Alaska	1
Arizona	2
Arkansas	6
California	19
Colorado	7
Connecticut	8
Delaware	2
District of Columbia	2

Florida	5
Georgia	13
Hawaii	0
Idaho	6
Illinois	22
Indiana	14
Iowa	15
Kansas	6
Kentucky	9
Louisiana	10
Maine	7
Maryland	8
Massachusetts	20
Michigan	12
Minnesota	10
Mississippi	5
Missouri	14
Montana	6
Nebraska	7
Nevada	2
New Hampshire	4
New Jersey	16
New Mexico	3
New York	43
North Carolina	12
North Dakota	3
Ohio	24
Oklahoma	10
Oregon	5
Pennsylvania	35
Philippine Islands	1
Porto Rico	1
Rhode Island	3
South Carolina	9
South Dakota	4
Tennessee	6
Texas	17
Utah	3
Vermont	3
Virginia	17
Washington	6
West Virginia	10
Wisconsin	3
Wyoming	40
United States at large	9
Honor schools	3
National Guard	3
Regular Army	2
China	1
Cuba	1

The admission of the 339 qualified candidates in June will bring the total number of cadets on the rolls up to 893. It should be noted, however, that the class of 1918, with 154 members, is to be graduated on August 30 next. The admission in August next of 7 ex-cadets will bring the total number up to 739 for the beginning of the academic year in September.

2. The total number of cadets that were to have been appointed under the examination held March 19, 1917, and the States from which they were to be appointed.

The act of Congress approved May 4, 1916, authorized an increase in the Corps of Cadets and specified that that increase should be divided into four annual increments, as nearly equal as practicable, and equitably distributed among the sources from which appointments to the Military Academy are authorized. Under this provision of the law the total number of cadets that can be admitted to the academy next June from all sources is 449, and it was believed that if every Senator and Representative who would have only one cadet after the graduation of the class of 1917 were invited to nominate candidates for examination in March, 1917, and that if nominations were also requested for all vacancies from the Army, the National Guard, the United States at large, and "honor schools," about the number needed to make up the total allowed by law would be obtained and that the cadets would be equitably distributed over the sources from which appointments are authorized. Consequently invitations to nominate candidates for examination last March were sent as follows:

Alabama	13
Arizona	4
Arkansas	12
California	7
Colorado	5
Connecticut	5
Delaware	4
District of Columbia	1
Florida	6
Georgia	13
Hawaii	2
Idaho	2
Illinois	33
Indiana	16
Iowa	10
Kansas	13
Kentucky	16
Louisiana	10
Maine	5
Maryland	8
Massachusetts	15
Michigan	16
Minnesota	14
Mississippi	14
Missouri	22
Montana	2
Nebraska	8
Nevada	4
New Hampshire	4
New Jersey	13
New Mexico	1
New York	46
North Carolina	12
North Dakota	7
Ohio	23
Oklahoma	10
Oregon	5

Pennsylvania	36
Philippine Islands	1
Rhode Island	6
South Carolina	9
South Dakota	6
Tennessee	18
Texas	21
Utah	5
Vermont	5
Virginia	7
Washington	9
West Virginia	10
Wisconsin	15
Wyoming	3
United States at large	16
Honor schools	7
National Guard	35
Regular Army	41

3. The number of cadets to be appointed as the result of the examination of March 19, 1917, and the number of vacancies remaining by reason of the failures in said examination and the States in which such vacancies occur.

As a result of the entrance examination held last March, 339 candidates are to be admitted to the Military Academy next June. There are 15 cases pending owing to sickness. These candidates are to report at West Point in June for examination and for admission if qualified. Under the act of Congress, mentioned above, only 1,000 cadets can be on the rolls July 1, 1917. By deducting 893 from this number it will be seen that there are only 107 actual vacancies, 65 of which are from the Regular Army, the National Guard, and "honor schools," leaving only 42 vacancies from the States and Territories. As it was necessary to send out more invitations than there were actual vacancies it will also be seen that it is impracticable to apportion these 42 vacancies.

4. The time within which such vacancies must be filled. Invitations will be extended to Senators and Representatives in the course of a few weeks to nominate candidates for the examination to be held beginning on the third Tuesday in March, 1918, with a view to admission to the Military Academy in June, 1918. These invitations will be sent to all Senators and Representatives who will not have two cadets in June, 1918, and the nominations must be made before the third Tuesday in March, 1918.

5. If such vacancies are not to be filled until next year, why not? Owing to the crowded condition of the Military Academy, the present facilities of which will be taxed to the utmost, and to the difficulty of obtaining competent instructors for the large number of new cadets, it is deemed to be inadvisable to hold another entrance examination this year, except for those nominees who were prevented by sickness or other unavoidable cause from reporting for the March examination.

6. Have examinations at the time of annual entrance into the academy been discontinued? If so, why and when were they discontinued?

Examination at the time of annual entrance into the Military Academy in June has been discontinued. Up to the year 1892 the entrance examination was held in June of each year, but in that year it was changed to March and April. It was later decided to be advisable to hold only one entrance examination annually, and January was designated as the month in which it should be held; but it has since been put back to the third Tuesday in March, which has been found to be the most practicable time for it. The only other entrance examination provided for by the regulations is one at West Point in June for nominees who may be prevented by sickness or other unavoidable cause from reporting for the regular examination in March.

7. Why are not entrance examinations provided this year for filling the vacancies caused by failures in the March 19 examinations?

This question seems to be answered by the answer to question No. 5.

8. What is the full capacity of the Military Academy?

The full capacity of the Military Academy with its present facilities is 770 cadets.

Very respectfully.

NEWTON D. BAKER,
Secretary of War.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Albert Hildard, one of its clerks, announced that the House agrees to the amendment of the Senate No. 2 to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, with an amendment; in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLET managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the petition of Carl C. Proper, of Des Moines, Iowa, favoring the proposed 2 per cent tax on advertising receipts and remonstrating against the proposed increase of postal rates on second-class matter, which was referred to the Committee on Finance.

Mr. SHERMAN. I present a communication from the governor of the State of Kansas, and I ask that it be printed in the RECORD, as it relates to a very material matter regarding pending legislation.

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

STATE OF KANSAS,
Topeka, May 26, 1917.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.

DEAR MR. SHERMAN: The publishers of the United States are patriotic and are willing to pay their full share of the national war tax. But I beg to submit that the increase of second-class postage as now included in the House bill is so greatly in excess of what the industry can bear that it will not only fail as a revenue measure but would completely

demoralize a business already in a chaotic condition owing to the abnormal and excessive cost of white paper.

Taking my own publications as an illustration, I find that the increase of second-class postage under the House measure is about 350 per cent, despite the fact that my printing plant is situated near the geographical center of the country. I paid in second-class postage in 1916 a sum nearly equal to the net profits of my business; so that the proposed tax will absorb 250 per cent of my net profits. My business last year netted 64 per cent on the turnover, and there is no possible way of passing on this increased expense; subscriptions are already paid, advertising contracts are already made, and before a readjustment could be effected hundreds of well-established publications would be compelled to suspend publication. I do not exaggerate when I say that the proposed measure means the wiping out of an immense industry.

If there was ever a time when the Nation needed the help and influence of the agricultural press in speeding up food production, that time is now. To cripple it would be fatal error; the tax proposed by the House would practically annihilate it.

I am sure publishers as a class, do not seek to evade taxation. We want to do our share; we are willing to contribute our profits, if need be, to the righteous cause in which the Nation is engaged, as recommended by the Senate Finance Committee; but in the larger interests of the Nation, in accord with every economic principle, we beg you to allow the industry to live, and, in the language of our President, "be made more prolific and more efficient than ever."

I therefore respectfully urge careful consideration of this very serious condition.

Respectfully, yours,

ARTHUR CAPPER.

Mr. BRADY. Mr. President, I present a copy of a resolution passed by a joint meeting that was held on the 21st of May, 1917, at Shoshone, Idaho, consisting of the County Commissioners and the War Production Committee of Lincoln County, Idaho, calling upon Congress to take some action that will tend to relieve the situation relative to farm labor in that community. I also present a letter of transmission written by Mr. Paul S. Haddock, of Shoshone, Idaho, who was chairman of the meeting. These resolutions and the letter of transmittal very fully explain a very unfortunate condition that exists not only in Lincoln County, Idaho, but in the entire West relative to the labor situation.

It is impossible for the farmers of the West to secure sufficient help to properly farm the fields they now have under cultivation. The Government is calling upon the farmers for patriotic reasons to plant additional crops in order to relieve the food situation. If the farmers are going to put in additional crops, or are going to be able to farm the land that they now have under cultivation, it will be necessary for the Government to take some immediate and specific action that will enable them to secure farm labor. The farmers of the West are ready and willing to pay fair and equitable wages, but they do not propose to be held up and forced to pay unreasonable wages. I believe it is just as necessary to take some immediate action that will enable the farmers of this country to secure help upon their farms as it is to secure soldiers for the firing line.

I ask that the letter and the accompanying resolutions be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

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

SHOSHONE, IDAHO, May 21, 1917.

HON. JAMES H. BRADY,

United States Senate Chamber, Washington, D. C.

DEAR SENATOR: I am inclosing a resolution which was adopted to-day by a joint session of the county commissioners and our war production committee of this county in regard to the farm-labor situation.

We do not desire to have this resolution construed in any sense as a complaint on the part of the farmers and business men of this community, because they all realize that every citizen must put up with more or less hardship during the period of the war, and I wish to assure you that the farmers of Lincoln County are as loyal and patriotic and will be as little given to grumbling as any set of citizens that can be found in the United States. On the other hand, they feel that they can not do their full duty in the way of producing food supplies under the present labor conditions.

It has been suggested by some leading farmers of the community that even if no immediate relief can be had in the way of importation of Chinese labor, etc., still a movement along that line would have a beneficial effect upon the farm laborers by calling the fact to their attention that in case they attempt to hold up the farmers and compel them to pay exorbitant wages that in the long run they themselves will be the sufferers.

It is not the desire of the committee to urge you to support any given legislation, or to attempt to advise you as to what steps, if any, it would be best for the Federal Government to take, but simply to call your attention to this situation and ask your assistance along any lines you might think proper.

Yours, respectfully,

PAUL S. HADDOCK.

Resolution.

That whereas a joint meeting was held on the 21st day of May, 1917, at Shoshone, Idaho, by and between the board of county commissioners of Lincoln County, Idaho, and the war-production committee of said county, and that said meeting was called for the purpose of devising ways and means for procuring more farm laborers to assist in the irrigation, cultivation, and harvesting of the farm crops of said Lincoln County; and

Whereas after hearing reports from numerous well-posted farmers from said county and after a full and complete discussion of the subject, it was the sense of said meeting that a very great and grave danger is now threatening not only the crops of Lincoln County but also the crops all over southern Idaho by reason of the fact that there are not sufficient farm laborers available for the proper handling of the crops in question; that a large number of the farmers of this county are at the present time suffering for a lack of help and that as soon as irrigation season gets under way it will be utterly impossible for many of the crops to be saved without additional help. That owing to the scarcity of farm laborers their wages have been rapidly increasing, and many of the farm laborers are taking advantage of the absolute necessity of the farmers to secure exorbitant wages, much in excess of the amount the farmers are justified in paying for such help, and that there is a constant demand for still further increase in said wages. That by reason of said conditions there is a feeling of unrest on the part of the farm laborer for fear that he may not be obtaining as much money as some other farmer in another part of the community is paying. Under such fluctuating prices it is a common occurrence for the farm laborer to leave his employer without notice, in the almost certain belief that he can obtain at least as much, if not more, from some one else.

The more serious result of the above condition is that the substantial farmers who have a considerable area under cultivation are placed upon such an uncertain basis that they dare not go further along the line of additional food production, and that although the farmers of this community have loyally answered President Wilson's and Gov. Alexander's call in using their utmost endeavor to obtain a large food production during the war, their energies along this line will prove a detriment rather than a benefit unless some action is taken to relieve the scarcity of farm labor in this vicinity.

It was also the sense of said meeting that steps should be taken by the Federal Government to aid the farming vicinity of the country, and especially the irrigated section of southern Idaho, in procuring men to work on the farms and, although no recommendation was definitely made, two plans were suggested at said meeting, one being that a draft of the idle men of the country be made for farm laborers, to be organized and under the direction of the Federal authorities, and that their wages should be fixed at some reasonable figure; that anyone so drafted who refused to so work should then be drafted into the army and sent to the front. The second suggestion was that a sufficient number of Chinese be imported into the country to supply the temporary shortage of help during the period of the war.

It was the further sense of the meeting that the farm-labor conditions of the country are gradually growing worse and will continue to grow worse, as more and more men join the Army, and unless relief is given along these lines it will be impossible for the farmers in southern Idaho to perform the full amount of service along the lines of food supply that they might otherwise be able to produce: Wherefore, be it

Resolved, That our Representatives in Congress be requested to take any action which, in their judgment, they might deem to be to the best interest for the purpose of procuring an adequate supply of farm laborers for southern Idaho, and that the governor and the other State officials of Idaho be requested to assist in any movement along this line that may to them seem practical; be it further

Resolved, That a copy of this resolution be sent to each of our Senators and Representatives in Congress and a copy to the governor of the State of Idaho.

BOARD OF COUNTY COMMISSIONERS,

[SEAL.]

By J. W. LUNDIN, Clerk.

WAR PRODUCTION COMMITTEE,

By PAUL S. HADDOCK, Chairman.

Mr. PENROSE presented a petition of sundry citizens of Germantown, Philadelphia, and vicinity, in the State of Pennsylvania, praying for the immediate enactment of prohibition of the manufacture of alcoholic liquors as a measure of food conservation and for the immediate prohibition of the sale of liquors

for beverage purposes, in order to conserve the health, wealth, labor, transport facilities, and military efficiency of the people, which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of New Mexico. I present resolutions adopted at a mass meeting of citizens of the county of San Miguel, in the State of New Mexico, offering all support in their power in the prosecution of the war, and also a letter of transmittal from O. A. Larrazolo, chairman of the meeting. I ask that the letter and accompanying resolution be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the letter and resolution were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

LAS VEGAS, N. MEX., May 17, 1917.

Hon. A. A. JONES,

United States Senate, Washington, D. C.

MY DEAR SENATOR: The citizens of San Miguel County held a mass meeting at the courthouse in Las Vegas last night (May 16) and unanimously passed the resolution a copy of which I am inclosing for your information.

I can not tell exactly how many people were present (among whom there were several ladies), but you know our district court room, and it was crowded, and a great many people, finding no seats, remained standing up.

The people in our section of the State are quite enthusiastic in their determination to give all support in their power in the prosecution of the war, as well as by the voluntary enlistment in the National Guard, as by the stay-at-home element, who are going to till every inch of the soil that they possibly can, and I can say with all assurance that the people of New Mexico will do their full share in this matter.

I am, very respectfully, yours,

O. A. LARRAZOLO,
Chairman of Meeting.

Resolution.

We, the citizens of the county of San Miguel, in the State of New Mexico, in mass meeting assembled at Las Vegas, N. Mex., this 16th day of May, A. D. 1917, do hereby make known and declare that we are in favor of the passage by the Federal Congress of a law making it compulsory to give military training to the youth of the Nation, and we hereby request of our representatives in both Chambers of the National Congress to give their support to any law that may have that object in view.

Mr. POMERENE. I present memorials from sundry labor organizations, signed by the presidents and secretaries of the local organizations, remonstrating against the enactment of a national prohibition law. It is stated that they represent a membership of 2,027,147. I move that the memorials be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PAGE. The National Association of State Universities held a meeting in this city a few days ago, when they adopted patriotic resolutions, in which they state that:

The State universities, believing that they represent the spirit and sentiment of their several States, are ready to put all their institutional resources, material and human, at the disposal of the National Government in the service of the country for the entire period of the war which our Nation has entered.

I send the resolutions to the desk and ask to have them printed in the RECORD without reading.

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

Resolutions adopted by the National Association of State Universities, meeting in Washington, D. C., May 4, 1917.

The National Association of State Universities, in special meeting assembled, announces that the State universities, believing that they represent the spirit and sentiment of their several States, are ready to put all their institutional resources—material and human—at the disposal of the National Government in the service of the country for the entire period of the war upon which our Nation has entered.

This declaration of patriotic purpose is made without any reservation whatsoever, and means that the State universities, as public institutions, are to be used to the utmost limit of their possibilities in facilities and equipment for the preparation of efficient soldiers, for the training of skilled educational, scientific, technical, and professional workers, and for the conduct of all scientific instructions that may aid in the successful prosecution of the war.

Therefore the President of the United States and his advisors, and the Congress, are hereby notified that the State universities of America are willing to undertake to readjust their curricula and to rearrange all their activities, in time and content, so far as may be necessary to bring to ultimate triumph the righteous conflict for universal democracy.

It is the further sense of this association that the people whom our institutions represent and serve have a profound feeling of loyalty to our common country and of readiness to sacrifice for its best interests.

That in accordance therewith they urgently desire that the results of their effort and self-denial in the production and consumption of food supplies be not wasted in the manufacture of intoxicating liquors during the war, and that prompt and effective measures be taken to maintain the honor of the Army and Navy and to protect the ancient reputation for decency and manliness by taking such steps as may be necessary to protect them from the presence of vice and from the peril of venereal and other diseases in training camp and field.

GUY PORTER BENTON, President.
FRANK L. MCVEY, Secretary.

Mr. PAGE presented petitions of sundry citizens of Morrisville and Irasburg, in the State of Vermont, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

Mr. TRAMMELL. I present resolutions adopted by the Chamber of Commerce of Miami, Fla., which I ask may be printed in the RECORD.

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

Whereas the United States Government has requested the conservation of food supply throughout this country; and Whereas to properly preserve fruit and vegetables it is necessary to put them up in tin cans, glass jars, and other containers; and Whereas the price of tin cans, glass jars, and other containers is increasing daily, and is working a hardship upon the people of this country: Therefore be it

Resolved, That the Miami Chamber of Commerce request the United States Department of Agriculture to investigate this matter and take steps to protect the interests of the people of our country by having the price of food containers fixed at a certain reasonable sum as the maximum price thereof for all tin cans, glass jars, and other containers that can be hermetically sealed to preserve vegetables, fruits, and meats, and liquids, the size of which containers shall range from 1 pint to 2 gallons; and be it further

Resolved, That we recommend that such containers be manufactured under compulsion at the price fixed by the United States Government, if such action be necessary to protect the food supply of this country.

Adopted by the Miami Chamber of Commerce, Miami, Fla.

Mr. FRANCE presented memorials of the congregation of the Homestead Methodist Episcopal Church, of Baltimore, and of the Woman's Christian Temperance Union of Baltimore, in the State of Maryland, remonstrating against the taxing of and praying for the prohibition of the manufacture of alcoholic liquors during the war, which were referred to the Committee on Agriculture and Forestry.

Mr. McCUMBER presented petitions of sundry citizens of Fargo, Page, Stanton, Westhope, and Larimore, all in the State of North Dakota, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquors, which were referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented petitions of the Merchants' Association of Montevideo, and of sundry citizens of Northome, Jackson, St. Paul, and Minneapolis, in the State of Minnesota, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

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

He also presented petitions of sundry citizens of Westminster, Sudlersville, and Damascus, all in the State of Maryland, praying for the prohibition of the manufacture of foodstuffs into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

Mr. PHELAN. I present a joint resolution of the Legislature of California relative to the needy Indians within the State of California, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the joint resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate joint resolution 9, relating to needy Indians within the State of California.

Whereas there are within the borders of the State of California approximately 4,000 Indians without permanent homes, without any or adequate school facilities, and a considerable number of them without necessary food, shelter, and medical attendance; and

Whereas the massing of these Indians in certain thinly populated districts makes provision for them at the expense of their white neighbors under the prevalent school and pauper laws of the State an unfair, inequitable, and intolerable burden; and

Whereas while it has been the general policy of the National Government to assume the care of Indians, yet it has not always been practicable or for the best interest of the Indians themselves to remove them to reservations; and

Whereas the general policy of State and National cooperation, as outlined by the Indian board of cooperation of California, has been already approved by the Commissioner of Indian Affairs and by our Representatives in Congress: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Representatives in Congress be, and are hereby, memorialized to attempt to secure provision in the Indian appropriation bill (1) for the purchase of adequate and permanent allotments with necessary improvements for homeless Indians; (2) for providing school buildings and equipment for Indians in districts where their numbers and the necessities demand it; and (3) for cooperation with county officials in securing proper care for sick and destitute Indians, until the necessity therefore no longer exists.

Adopted in senate March 21, 1917.

CLIFTON E. BROOKS,
Secretary of the Senate.

Adopted in assembly April 23, 1917.

B. O. BOOTHBY,
Chief Clerk of the Assembly.

Mr. PHELAN. I present a joint resolution of the Legislature of California relative to the devoting of revenues from national forests to the construction of works for flood control, which I ask may be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the joint resolution was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 7, relative to the devoting of revenues from national forests to the construction of works for flood control.

Whereas the streams and rivers of California are subject to destructive floods, entailing great loss of property and life; and

Whereas the sources of most of said streams are in national forest reserves wholly within the State of California and contain vast quantities of timber, estimated to amount to more than 94,000,000,000 feet, and all of which is exempt from taxation by the State and may not at present be made use of by her people; and

Whereas the Government obtains large revenues from said forests, only a lesser portion of which is returned to or expended in the State: Therefore be it

Resolved by the senate and assembly jointly, That the Legislature of California does hereby recommend to the Senators and Representatives of the State in Congress to use their best endeavors to secure the setting aside of all revenues derived from national forest reserves in the State not required for the administrative cost thereof to create a fund for the construction of dams and other works for the control of floods in streams subject to destructive floods in the State of California.

Adopted in senate April 20, 1917.

CLIFTON E. BROOKS,
Secretary of the Senate.

Adopted in assembly April 27, 1917.

B. O. BOOTHBY,
Chief Clerk of the Assembly.

Mr. PHELAN. I present a joint resolution of the Legislature of California relative to the construction of a military highway along the Pacific coast from the Canadian border to the Mexican border, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Senate joint resolution 6, relative to the construction and maintenance of a military highway along the Pacific coast from the Canadian border to the Mexican border.

Whereas the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border would be of the greatest benefit to the United States Government and to the States on the Pacific coast in supplying coast forts with guns and ammunition, and in the handling of artillery and ammunition; and

Whereas such a highway would be of incalculable benefit in mobilizing troops in the event of an attempted invasion, and all other incidents appertaining thereto; and

Whereas the people of the Pacific Coast States realize the necessity of such a highway and urgently request the building and maintaining of such a highway: Now, therefore, be it

Resolved by the senate and the assembly jointly, That the Legislature of the State of California memorializes the Congress of the United States to take such steps as may be necessary to provide for the building and maintaining of such a highway, and to make an appropriation of sufficient size to carry out said work; and be it further

Resolved, That the Senators and Representatives in Congress from the State of California be requested to use all honorable means to secure the action desired in this matter for the purpose aforesaid; and be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Secretary of the Interior, the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of California, including those to assume office on March 4, 1917.

Adopted in senate February 28, 1917.

CLIFTON E. BROOKS,
Secretary of the Senate.

Adopted in assembly April 25, 1917.

B. O. BOOTHBY,
Chief Clerk of the Assembly.

Mr. PHELAN presented a memorial of the Central Labor Council of Oakland, Cal., remonstrating against the admission of oriental labor into this country, which was referred to the Committee on Immigration.

REBUILDING RUSSIAN RAILROADS.

Mr. SMITH of Georgia. Mr. President, I send to the desk a very short article, that I ask to have read, upon the subject of rebuilding Russian railroads and financing their reconstruction through the National Council of Defense. I have no comment to make upon it; but I was just wondering when we passed legislation to put the responsibility upon the National Council of Defense to rebuild Russian railroads. I should like to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

UNITED STATES TO OUTFIT RUSSIAN ROADS—DEFENSE COUNCIL ASKS BIDS ON 10,000 CARS.

The National Council of Defense has definitely undertaken the purchase of railroad equipment for the Russian Government. This was indicated by the receipt yesterday of letters from the council sent to leading equipment builders asking for their terms for the construction of 10,000 freight cars of 1,200 "poods" (43,200 pounds) capacity and 300 Decapod locomotives.

Car companies which, it is stated, are to receive orders are the American Car & Foundry Co., Pressed Steel, Standard Steel, Pullman, and the Bettendorf Cos. It was also learned that the Barney & Smith Car Co., the Harlan & Hollingsworth Co., and the Seattle Car & Foundry Co. were to receive contracts later on, as the Russian Government desires a total of 40,000 freight cars.

Financing of these purchases is to be done by the Defense Council through the recent loan of \$100,000,000 to Russia.

The builders were informed that the council desired to have all details settled so that work can be started as soon as the commission reports.

Mr. REED. I wish to ask the Senator where that article is from?

Mr. SMITH of Georgia. It is a news clipping that I found in one of the New York papers, and I just felt that it might be valuable information, it seemed to me so definitely stated. I do not know whether it is true, but it is the most definite information I have seen about what is being done with the \$100,000,000 appropriation, and as it was interesting to me I thought it might interest others.

Mr. REED. I should like to ask the Senator from Georgia if he thinks that if the Government of the United States is furnishing freight cars to the railroads of Russia it would not afford some sort of justification for furnishing some for our own use?

Mr. SMITH of Georgia. Mr. President, I have accomplished in part my desire in having the article read by bringing out the question of the Senator from Missouri. What I have upon my own mind is that if we are assuming responsibility for the reorganization of the railroads of Russia, we might perhaps induce some attention to the improvement of the railroads of the United States through Government loans.

Mr. KNOX. Mr. President, I should like to inquire of the Senator from Georgia whether this article may not only mean that the National Defense Council are expending the \$100,000,000 that this country gave to Russia, and doing it as a mere matter of assistance in the disbursement of the money by the purchase of railway material in this country? That was the impression the article made on me when I read it.

Mr. SMITH of Georgia. I really do not know what it means. I do not know whether the representatives of the Russian Government who received the \$100,000,000 are authorized to make arrangements with American organizations for its use.

Mr. NELSON. Will the Senator yield to me? Does not the Senator from Georgia regard Russia as our ally in this war?

Mr. SMITH of Georgia. I hope so.

Mr. NELSON. Is it not material that Russia shall be in a position to maintain herself on the eastern front in order that we may be successful on the western front?

Mr. SMITH of Georgia. That is very desirable, though I can not conceive that it is absolutely necessary.

Mr. NELSON. It seems to me the intimation the Senator intends to convey is taking a narrow view of the subject. We need the help of Russia in this war to be successful. It retains some sixty or seventy German divisions on that line. The Russians have been handicapped by lack of transportation, by getting foodstuffs, and by getting ammunition. If we are interested in the prosecution of this war that is one way to help it along, and it is just as material for our success as it is to send troops over to Europe.

Mr. SMITH of Georgia. I think the Senator takes an incorrect view when he says that my view is narrow. Instead of being a narrow view I was endeavoring to develop a broader view. My suggestion was, that if we were engaged in reconstructing the railroads of Russia our own railroads might also come in for some consideration which would insure the public necessary transportation.

Mr. NELSON. With the 15 per cent increase they can rehabilitate the roads in this country.

Mr. SMITH of Georgia. It was to broaden rather than to narrow activities that I presented the article. I have before shown the objection to the 15 per cent increase.

COURTS IN TENNESSEE.

Mr. SHIELDS, from the Committee on the Judiciary, to which was referred the bill (S. 1836) to provide for the appointment of a district judge in the middle judicial district of the State of Tennessee, and for other purposes, reported it without amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. SHEPPARD:

A bill (S. 2371) empowering the Supreme Court of the United States to promulgate uniform rules for preparing and printing the records for all appellate courts and to fix fees and charges in connection therewith; and

A bill (S. 2372) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and as amended thereafter; to the Committee on the Judiciary.

A bill (S. 2373) to authorize the President, on recommendation of the Secretary of Agriculture, to accept lands donated to the United States as refuges for wild-game animals and wild birds, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. FLETCHER:

A bill (S. 2374) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Post Offices and Post Roads.

By Mr. JONES of New Mexico:

A bill (S. 2375) for the relief of Reuben R. Hunter; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 2376) granting a pension to James A. Coyne (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A joint resolution (S. J. Res. 71) to suspend, during the present war with Germany, the requirement that not less than \$100 worth of labor shall be performed or improvements made during each year on each mining claim for all owners who, in lieu of such assessment work, expend the sum of \$100 in money or in labor in the raising or manufacturing of products necessary for the maintenance of the Army, Navy, or people of the United States; to the Committee on Mines and Mining.

RETIRED ARMY OFFICERS.

Mr. RANDELL. Mr. President, I send to the desk a joint resolution, and I ask unanimous consent for its present consideration. It is very brief, and it is quite important that it should have immediate consideration.

Mr. SMOOT. Let the joint resolution be read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 70) relating to the service of certain retired officers of the Army was read the first time by its title and the second time at length, as follows:

Resolved, etc., That when retired officers of the Army, any portion of whose active service was in the Corps of Engineers, are called back into active service, they shall be eligible to fill any position required by law to be filled by an officer of the Corps of Engineers.

Mr. RANDELL. Mr. President, I will explain very briefly what is desired to be accomplished by this joint resolution. It embodies what is contained in a bill, which has already been reported to the Senate, being Senate bill 1786, which was introduced by the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN], and has since been favorably reported by him. The joint resolution embodies section 14 of that bill. The purpose of the resolution is to make it possible for the Engineer Corps of the Army to detail for service retired engineers who could perform just as effective service in engineering works as the younger men are now performing. It is necessary to send the younger engineers to service in Europe.

To illustrate, Col. Townsend, the president of the Mississippi River Commission, has been designated to take a regiment of Engineers to France. It is desired to replace him with Gen. Bixby, formerly Chief of Engineers. Gen. Mackenzie, also formerly Chief of Engineers, is, I understand, to be sent to the St. Paul-Minneapolis district, and a number of retired Engineer officers are to be sent to river and harbor works in different parts of the country. The law does not permit it now.

This matter has been acted upon by the Committee on Military Affairs, and I will ask the Senator from Nebraska [Mr. HITCHCOCK], the acting chairman of that committee, to explain it briefly. It has been before his committee, and, as I have said, has been acted upon favorably.

Mr. HITCHCOCK. Mr. President, the Senator from Louisiana has correctly stated the matter so far as the Military Affairs Committee is concerned. The committee some time ago considered a revision of the general defense act and reported a bill, which is now upon the calendar, but which has not yet been reached for consideration. One provision of that bill was section 14, which is identical with the joint resolution which the Senator from Louisiana has now introduced. Section 14 was inserted on the recommendation of the War Department to enable the assignment of old, retired Army officers for engineer work in this country, in order that the young men might be sent to the front for more active service.

I can see no possible objection to putting this joint resolution through at this time, although the bill which is now on the calendar will not be reached until after the return of the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN], who has gone to his own State on public business.

Mr. RANDELL. Mr. President, I will state that I am asking for the consideration and passage of the joint resolution at this

time on the request of the War Department. It is very anxious to have many works go on, and they would be expedited if the joint resolution is promptly acted upon. No one raises any objection to it. It is simply for the purpose of utilizing retired officers, which the department can not do under the law as it now stands.

Mr. SMOOT. Mr. President, ordinarily, of course, the joint resolution ought to go to the Committee on Military Affairs and be reported from that committee. If that committee were going to meet to-day, I should very much prefer to have the joint resolution take that course; but on the explanation of the acting chairman of the Committee on Military Affairs [Mr. HITCHCOCK] and the statement which has been made by the Senator from Louisiana [Mr. RANDELL] I see no objection to the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

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

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

WAR REVENUE.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL CLERKS TO SENATORS.

Mr. CALDER submitted the following resolution (S. Res. 75), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That each Senator is hereby authorized to employ an additional clerk for the remainder of the first session of the Sixty-fifth Congress at the rate of \$4 per diem, said compensation to be paid out of the miscellaneous items of the contingent fund of the Senate.

ADDRESS BY HON. ELIHU ROOT.

Mr. LODGE. Mr. President, I offer a brief address by Hon. Elihu Root as president of the American Bar Association, entitled "Public Service by the Bar." It is an address delivered at the American Bar Association held in Chicago at its annual meeting August 30, 1916. I have received a request from the bar association that it be printed as a public document. I ask leave to introduce it and have it referred to the Committee on Printing.

The VICE PRESIDENT. It will be so referred.

PUNISHMENT OF ESPIONAGE—CONFERENCE REPORT (S. DOC. NO. 37).

Mr. OVERMAN. I submit the conference report on the bill H. R. 291, known as the espionage bill, which I ask may be printed and lie on the table.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TITLE I.

"ESPIONAGE.

"SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or

otherwise on behalf of the United States, or any prohibited place within the meaning of section seven of this title; or (b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this title; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of this trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both.

"SEC. 2. (a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agents, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than 30 years; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than 30 years.

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

"SEC. 4. When the United States is at war, the publishing willfully of information with respect to the movement, numbers, description, or disposition of any of the armed forces of the United States in naval or military operations, or with respect to any of the works intended for the fortification or defense of any place, which information is useful to the enemy, is hereby prohibited; and the President may from time to time by proclamation declare the character of such above-described information which in his opinion is not useful to the enemy, and

thereupon it shall be lawful to publish the same. In any prosecution hereunder the jury trying the cause shall determine not only whether the defendant did willfully publish such information but also whether such information was of such character as to be useful to the enemy: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same, if such discussion, comment, or criticism does not disclose information herein prohibited.

"Whoever violates this section shall, upon conviction thereof, be punished by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.

"SEC. 5. If two or more persons conspire to violate the provisions of sections 2 or 3 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section 37 of the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909.

"SEC. 6. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

"SEC. 7. The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection (a) of section 1 hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

"SEC. 8. Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections 1342, 1343, and 1624 of the Revised Statutes as amended.

"SEC. 9. The provisions of this title shall extend to all territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

"SEC. 10. The act entitled 'An act to prevent the disclosure of national-defense secrets,' approved March 3, 1911, is hereby repealed.

"TITLE II.

"VESSELS IN PORTS OF THE UNITED STATES.

"SECTION 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

"Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury.

"SEC. 2. If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given by the Secretary of the Treasury or the Governor of the Panama Canal under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

"SEC. 3. It shall be unlawful for the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or for any member of the crew or other person, within the territorial waters of the United States, willfully to cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the rights and obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and whoever violates this section shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

"SEC. 4. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this title.

"TITLE III.

"INJURING VESSELS ENGAGED IN FOREIGN COMMERCE.

"SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to any vessel of the United States as defined in section 310 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,' or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom; or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

"TITLE IV.

"INTERFERENCE WITH FOREIGN COMMERCE BY VIOLENT MEANS.

"SECTION 1. Whoever, when the United States is at war, shall willfully prevent, interfere with, or obstruct or attempt to prevent, interfere with or obstruct the exportation to foreign countries of articles from the United States by injuring or destroying, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

"TITLE V.

"ENFORCEMENT OF NEUTRALITY.

"SECTION 1. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations; and it shall thereupon be unlawful for such vessel to depart.

"SEC. 2. During a war in which the United States is a neutral nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master, or person having charge of such vessel, shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners, or master, or person having charge thereof, to cruise against or commit or

attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

"SEC. 3. During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to any agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

"SEC. 4. During a war in which the United States is a neutral nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the collector of customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transshipped on the high seas and, if it is to be so delivered or transshipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transshipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

"SEC. 5. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section are false, the collector of customs for the district in which the vessel is located may, subject to review by the Secretary of Commerce, refuse clearance to any vessel, domestic or foreign, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, forbid the departure of the vessel from the port or from the jurisdiction of the United States; and it shall thereupon be unlawful for the vessel to depart.

"SEC. 6. Whoever, in violation of any of the provisions of this title, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

"SEC. 7. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, in accordance with the law of nations, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall willfully overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct; and whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

"SEC. 8. Section 13 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is hereby amended so as to read as follows:

"SEC. 13. Whoever, within the territory or jurisdiction of the United States or of any of its possessions, knowingly begins or sets on foot or provides or prepares a means for or

furnishes the money for, or who takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 or imprisoned not more than three years, or both.

"SEC. 9. That the President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

"SEC. 10. Section 15 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, is hereby amended so as to read as follows:

"SEC. 15. It shall be lawful for the President to employ such part of the land or naval forces of the United States, or of the militia thereof, as he may deem necessary to compel any foreign vessel to depart from the United States or any of its possessions in all cases in which, by the law of nations or the treaties of the United States, it ought not to remain, and to detain or prevent any foreign vessel from so departing in all cases in which, by the law of nations or the treaties of the United States, it is not entitled to depart."

"SEC. 11. The joint resolution approved March 4, 1915, 'To empower the President to better enforce and maintain the neutrality of the United States,' and any act or parts of acts in conflict with the provisions of this title are hereby repealed.

"TITLE VI.

"SEIZURE OF ARMS AND OTHER ARTICLES INTENDED FOR EXPORT.

"SECTION 1. Whenever an attempt is made to export or ship from or take out of the United States, any arms or munitions of war, or other articles, in violation of law, or whenever there shall be known or probable cause to believe that any such arms or munitions of war, or other articles, are being or are intended to be exported, or shipped from, or taken out of the United States, in violation of law, the several collectors, naval officers, surveyors, inspectors of customs, and marshals, and deputy marshals of the United States, and every other person duly authorized for the purpose by the President, may seize and detain any articles or munitions of war about to be exported or shipped from, or taken out of the United States, in violation of law, and the vessels or vehicles containing the same, and retain possession thereof until released or disposed of as hereinafter directed. If upon due inquiry as hereinafter provided, the property seized shall appear to have been about to be so unlawfully exported, shipped from, or taken out of the United States, the same shall be forfeited to the United States.

"SEC. 2. It shall be the duty of the person making any seizure under this title to apply, with due diligence, to the judge of the district court of the United States, or to the judge of the United States district court of the Canal Zone, or to the judge of a court of first instance in the Philippine Islands, having jurisdiction over the place within which the seizure is made, for a warrant to justify the further detention of the property so seized, which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being or is intended to be exported or shipped from or taken out of the United States in violation of law; and if the judge refuses to issue the warrant, or application therefor is not made by the person making the seizure within a reasonable time, not exceeding 10 days after the seizure, the property shall forthwith be restored to the owner or person from whom seized. If the judge is satisfied that the seizure was justified under the provisions of this title and issues his warrant accordingly, then the property shall be detained by the person seizing it until the President, who is hereby expressly authorized so to do, orders it to be restored to the owner or claimant, or until it is discharged in due course of law on petition of the claimant, or on trial of condemnation proceedings, as hereinafter provided.

"SEC. 3. The owner or claimant of any property seized under this title may, at any time before condemnation proceedings have been instituted, as hereinafter provided, file his petition for its restoration in the district court of the United States, or the district court of the Canal Zone, or the court of first instance in the Philippine Islands, having jurisdiction over the place in which the seizure was made, whereupon the court shall advance the cause for hearing and determination with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making the seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner or forfeited to the United States.

"SEC. 4. Whenever the person making any seizure under this title applies for and obtains a warrant for the detention of the property, and (a) upon the hearing and determination of the

petition of the owner or claimant restoration is denied, or (b) the owner or claimant fails to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court, or the district court of the Canal Zone, or the court of first instance of the Philippine Islands, having jurisdiction over the place wherein the seizure was made, against the property for condemnation; and if, after trial and hearing of the issues involved, the property is condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, paid into the Treasury.

"SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this title, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

"SEC. 6. Except in those cases in which the exportation of arms and munitions of war or other articles is forbidden by proclamation or otherwise by the President, as provided in section 1 of this title, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place wheresoever, or with any other trade which might have been lawfully carried on before the passage of this title, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

"SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this title.

"SEC. 8. The President may employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

"TITLE VII.

"CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

"SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

"SEC. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, or so attempted to be delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

"SEC. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of Commerce, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out

of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

"TITLE VIII.

"DISTURBANCE OF FOREIGN RELATIONS.

"SECTION 1. Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"SEC. 2. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign Government duly accredited as such to the Government of the United States with intent to defraud such foreign Government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign Government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

"SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign Government without prior notification to the Secretary of State shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

"SEC. 4. The words 'foreign Government,' as used in this act and in sections 156, 157, 161, 170, 171, 172, 173, and 220 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,' shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government.

"SEC. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign Government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

"TITLE IX.

"PASSPORTS.

"SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

"SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or who shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be

fined not more than \$2,000 or imprisoned not more than five years, or both.

"SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

"TITLE X.

"COUNTERFEITING GOVERNMENT SEAL.

"SECTION 1. Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

"SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than \$5,000 or imprisoned not more than 10 years or both.

"TITLE XI.

"SEARCH WARRANTS.

"SECTION 1. A search warrant authorized by this title may be issued by a judge of a United States district court, or by a judge of a State or Territorial court of record, or by a United States commissioner for the district wherein the property sought is located.

"SEC. 2. A search warrant may be issued under this title upon either of the following grounds:

"1. When the property was stolen or embezzled in violation of a law of the United States; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was stolen or embezzled, or from any person in whose possession it may be.

"2. When the property was used as the means of committing a felony; in which case it may be taken on the warrant from any house or other place in which it is concealed, or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

"3. When the property, or any paper, is possessed, controlled, or used in violation of section 22 of this title; in which case it may be taken on the warrant from the person violating said section, or from any person in whose possession it may be, or from any house or other place in which it is concealed.

"SEC. 3. A search warrant can not be issued but upon probable cause, supported by affidavit, naming or describing the person and particularly describing the property and the place to be searched."

"SEC. 4. The judge or commissioner must, before issuing the warrant, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

"SEC. 5. The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

"SEC. 6. If the judge or commissioner is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he must issue a search warrant, signed by him with his name of office, to a civil officer of the United States duly authorized to enforce or assist in enforcing any law thereof, or to a person so duly authorized by the President of the United States, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding him forthwith to search the person or place named, for the property specified, and to bring it before the judge or commissioner.

"SEC. 7. A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

"SEC. 8. The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

"SEC. 9. He may break open any outer or inner door or window of a house, for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

"SEC. 10. The judge or commissioner must insert a direction in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

"SEC. 11. A search warrant must be executed and returned to the judge or commissioner who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

"SEC. 12. When the officer takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or, in the absence of any person, he must leave it in the place where he found the property.

"SEC. 13. The officer must forthwith return the warrant to the judge or commissioner and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or commissioner at the time, to the following effect: 'I, R. S., the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant.'

"SEC. 14. The judge or commissioner must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

"SEC. 15. If the grounds on which the warrant was issued be controverted, the judge or commissioner must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing and subscribed by each witness.

"SEC. 16. If it appears that the property or paper taken is not the same as that described in the warrant or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the judge or commissioner must cause it to be restored to the person from whom it was taken; but if it appears that the property or paper taken is the same as that described in the warrant and that there is probable cause for believing the existence of the grounds on which the warrant was issued, then the judge or commissioner shall order the same retained in the custody of the person seizing it or to be otherwise disposed of according to law.

"SEC. 17. The judge or commissioner must annex the affidavits, search warrant, return, inventory, and evidence, and if he has not power to inquire into the offense in respect to which the warrant was issued he must at once file the same, together with a copy of the record of his proceedings, with the clerk of the court having power to so inquire.

"SEC. 18. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall

assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than \$1,000 or imprisoned not more than two years.

"SEC. 19. Sections 125 and 126 of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation or procuring the same under the provisions of this title, and such persons shall be subject to all the pains and penalties of said sections.

"SEC. 20. A person who maliciously and without probable cause procures a search warrant to be issued and executed shall be fined not more than \$1,000 or imprisoned not more than one year.

"SEC. 21. An officer who in executing a search warrant willfully exceeds his authority, or exercises it with unnecessary severity, shall be fined not more than \$1,000 or imprisoned not more than one year.

"SEC. 22. Whoever, in aid of any foreign Government, shall knowingly and willfully have possession of or control over any property or papers designed or intended for use or which is used as the means of violating any penal statute, or any of the rights or obligations of the United States under any treaty or the law of nations, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

"SEC. 23. Nothing contained in this title shall be held to repeal or impair any existing provisions of law regulating search and the issue of search warrants.

"TITLE XII.

"USE OF MAILS.

"SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication matter, or thing, of any kind, in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, or other person upon a search warrant authorized by law, to open any letter not addressed to himself.

"SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

"SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

"TITLE XIII.

"GENERAL PROVISIONS.

"Section 1. The term 'United States' as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

"SEC. 2. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this act committed within their respective districts, and concurrent jurisdiction with the district courts of the United States of offenses under this act committed upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, and the provisions of said section, for the purpose of this act, are hereby extended to the Philippine Islands, and to the Canal Zone. In such cases the district attorneys of the Philippine Islands and of the Canal Zone shall have the powers and perform the duties provided in this act for United States attorneys.

"SEC. 3. Offenses committed and penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by any chapter of this act may be prosecuted and punished, and suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in

the same manner and with the same effect as if this act had not been passed.

"SEC. 4. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered."

And the Senate agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.
E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

ADJOURNMENT OVER MEMORIAL DAY.

Mr. HITCHCOCK. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock on Thursday next. The motion was agreed to.

AGRICULTURAL PRODUCTS.

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

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2344) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 5, line 21, the committee proposes—

Mr. KENYON. I should like to inquire if there is not pending a motion to strike out the entire paragraph? That was the motion before the Senate at the time of adjournment last night, I think, it having been made by the Senator from Tennessee [Mr. McKELLAR].

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Tennessee.

The SECRETARY. Strike out the paragraph on page 5, after line 16, as follows:

For procuring, storing, and furnishing seeds, as authorized by section 5 of this act; the prevention, control, and eradication of insects and plant diseases injurious to agriculture; and the conservation and utilization of plant products, \$6,500,000.

The VICE PRESIDENT. The question is on the amendment of the Senator from Tennessee.

Mr. JONES of Washington. Mr. President, as I understand, the committee amendment has not yet been voted upon. I take it the paragraph should be perfected before the motion to strike out is made.

Mr. GORE. I suggest that the committee amendment to reduce the amount be first acted on. I am sure the Senator from Tennessee will have no objection.

Mr. McKELLAR. Not at all.

The VICE PRESIDENT. The amendment reported by the committee will be stated.

The SECRETARY. In line 18, after the word "section," it is proposed to strike out "five" and insert "two"; and in line 21, after the word "products," to strike out "\$6,500,000" and insert "\$2,500,000," so as to make the paragraph read:

For procuring, storing, and furnishing seeds, as authorized by section 2 of this act; the prevention, control, and eradication of insects and plant diseases injurious to agriculture; and the conservation and utilization of plant products, \$2,500,000.

The amendment was agreed to.

Mr. McKELLAR. I ask the Secretary to state the amendment offered by me.

The VICE PRESIDENT. The amendment submitted by the Senator from Tennessee will be stated.

The SECRETARY. It is proposed to strike out all of the amended paragraph on page 5, embraced in lines 17 to 21, inclusive, which has just been read.

Mr. McKELLAR. Mr. President, on yesterday I discussed to some extent this paragraph of the bill, and I need not go over the question again, further than to say this: This paragraph provides—

For procuring, storing, and furnishing seeds, as authorized by section 2 of this act—

And section 2 of the act has this to say:

That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds suitable for the production of food or feed crops, he is authorized to purchase such seeds, to store them, and to furnish them to farmers, for cash, at cost, including the expense of packing and transportation.

That ordinarily would be a very good provision, and one to which I would not have any serious objection; but, coming at this time, it seems to me it is wholly unnecessary. If the Secretary proceeds to store seeds at all under this provision of the bill, he must of necessity store last year's seeds. What is he going to do with them? Store them. For what purpose? They can not be planted now, or only a very small portion of them can be planted now. Planting has taken place in practically the entire country, and there is no demand for these additional seeds. If they are to be stored for next year, why save the seeds of last year to plant next year's crops? Have we not plenty of time to do that next year?

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, this section of the bill is not designed to provide seeds for this year, the year 1917, only. This measure is supposed to be a war measure; it is designed to subserve purposes growing out of this war; and if the seeds are to be gathered and stored during the present, for use in next year's planting, the work must be done this year, and it must be done before provision can be made for it by Congress in December next.

Mr. McKELLAR. I disagree entirely with the Senator. I do not believe that the seed of last year will be the best seed to carry over this year to be planted next year.

Mr. VARDAMAN. The Senator did not understand me to say anything of that kind, did he?

Mr. McKELLAR. That is the necessary result of the reasoning of the Senator.

Mr. VARDAMAN. No. The seeds to be gathered are those raised this year. Wheat is being harvested now. The Senator from Tennessee is reasoning from conditions in Mississippi, Arkansas, and Tennessee. Cotton is gathered in the fall, but wheat is being harvested now. The geography of the Senator's logic is altogether bad.

Mr. McKELLAR. Mr. President, if that is the case, I see no reason in the world why the Government should go into the wheat-seed business. There is no demand for it; the farmers are not asking for it. Why we should undertake at this early stage of the game, nearly a year before the crops are planted, to enter upon the storing of seed is more than I can understand.

Mr. VARDAMAN. Is the Senator making that statement advisedly?

Mr. McKELLAR. It seems to me that it is wholly unnecessary to store the seed.

Mr. VARDAMAN. The Senator from New Mexico [Mr. FALL] yesterday, in discussing this matter, said that his State had made an appropriation, I think, of more than a half million dollars to be used for this purpose. The idea or purpose is that the seed shall be collected by the Government of the United States and turned over to the farmers in the Western States, or wherever the assistance may be needed, for cash. It is not a donation, but, on the contrary, it will be a profitable investment.

Mr. McKELLAR. That is the very point that I am making. Whatever necessity there is for seed is being taken care of either by the planters themselves or by the local authorities, as should be the case. There has been no demand made upon Congress; there has been no petition sent here for seed; and we know, as representatives of the people, that whenever there is such a demand coming from one district or one State it is instantly communicated to the Representative from the district or to the Senators from the State. No Senator, I think, has received any such request from his State.

Mr. JONES of New Mexico. Mr. President—

Mr. McKELLAR. I will yield in just one moment. Now, under these circumstances, when we are borrowing money, when the Government's agents and representatives are going over the country urging the people to lend the Government money with which to prosecute this war, when, in fact, we are begging the people to lend the Government money with which to prosecute this war, it seems to me that it is not good business to use the money that we thus beg the people for for a purpose of this kind when there is no demand for it.

I would be as quick, as I stated yesterday, to vote for any measure that will increase the production of the country as any other Senator, but when a bill like this comes in, for which there is no demand and for which there is no reason at all, it seems to me that it is idle for Congress to be appropriating this immense sum, amounting to \$2,500,000 in this one instance,

to store seed when there is no demand for such action, so far as I know. If there is any Senator who has such a demand from his State, I would be glad to hear from him, because I want to be perfectly fair about this matter. I now yield to the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, as stated by my colleague [Mr. FALL] yesterday, there is quite a demand in our State for seed, and this is not only true of the present time, but it will continue until the latter part of June; and so far as seed wheat is concerned, there will be a demand for seed wheat in the fall in that State. Now, I do not know about conditions in other States, but I am prone to believe that conditions are similar in at least other Western States. What I should like to ask the Senator is, Does he believe that if there is no demand for these seed the Department of Agriculture would expend any of this money in the purchase of these seed, and try to do a vain and useless thing?

Mr. McKELLAR. Yes; I think when we appropriate this large sum of money for the purchase and storing of seed the department will undertake to carry out the desire of Congress, and they will buy and they will store and they will create a great organization of men to do the buying and the storing in order to carry out the will of Congress. We know that that is true. We know that when we authorize the expenditure of money, it is constantly used in just that way. While here and there we may sell a few of these seed at cost, if we keep them as long as it seems to be necessary to keep them under this bill I should not be surprised if we would probably have to sell them at very much less than cost in order to dispose of them at all, because they will not be good seed.

Mr. FALL. Mr. President—

Mr. McKELLAR. I yield to the senior Senator from New Mexico.

Mr. FALL. Of course I understand that in Tennessee the beet-sugar industry does not occupy any great portion of the time or attention of the planters in that State. I do not know about the rice industry in that State. I presume that rice culture likewise does not occupy a great deal of attention in that State.

Mr. McKELLAR. Neither of them does; but that is neither here nor there. I am perfectly willing to be broad enough to cover those things, however, where they are needed in other States.

Mr. FALL. I will desist and ask the recognition of the Chair to make a statement later. I was leading up to a question.

Mr. McKELLAR. I shall be very glad to answer any question that I can on the part of the Senator. I did not mean to interrupt him.

Mr. FALL. I was simply leading up to a question, and possibly it is best that I should make a statement rather than to ask a question of the Senator. I wanted to call his attention to the fact that it is always necessary to import seed for certain crops. We do not produce beet seed for sugar purposes in this country. In the State of Arkansas, for instance, they do not sow the rice which they produce in that State. We go abroad for rice seed. We go abroad for sugar-beet seed. We go abroad for Bermuda onion seed. We buy them from the Bermuda Islands and other countries. In every agricultural appropriation bill appropriations are made for these purposes. The Department of Agriculture are constantly purchasing seeds, as I remarked yesterday, from Afghanistan, from Siberia, from every portion of the globe, and experimenting with them here. They have developed a large industry in that way. They developed the alfalfa industry, for example, in just exactly this way, by purchasing seeds and storing them and getting them out through the Congressmen to the farmers throughout the country, and assisting the farmers in purchasing them. The Government is a great purchasing agent. In the bill accompanying this bill in the House, what is known as the Lever bill, there is a provision that the Government shall buy and sell practically all farm products. It will place the United States in a position where it can buy, much more cheaply than any individual can buy, any necessary seed.

As my colleague [Mr. JONES of New Mexico] has just stated with reference to seed wheat, there would be a great demand for seed wheat provided you were allowed to use the lands in New Mexico for wheat culture this fall. There is now a great demand for beans, as I explained yesterday, in New Mexico. There is now a demand for feterita, milo maize, and kafir-corn seed in New Mexico; and I speak not only of New Mexico but of the other portions of the Southwest. There is a demand, and the fact that the Senator from Tennessee happens not to have heard of it does not in any respect lessen the demand.

Mr. McKELLAR. I judge, from the expressions of the two Senators from New Mexico, that there must be a demand in

that State. I have asked the other Senators here if there was any demand from their several States—

Mr. KENYON. Mr. President—

Mr. McKELLAR. And I am willing to be still further enlightened. I should like to know in just what States there are demands for these seeds. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator if he has inquired of the Department of Agriculture if there is any demand?

Mr. McKELLAR. No; I have not.

Mr. KENYON. Does not the Senator think he might get more enlightenment by inquiring of the Department of Agriculture?

Mr. McKELLAR. Why, I do not know, because I think the first complaints in all those matters come from the particular representatives from the various States.

Mr. KENYON. I will say to the Senator that I have been informed this morning by the Department of Agriculture that there have been many such demands.

Mr. McKELLAR. I think almost anyone would take them if they were sent them, or some of them would even take them at cost if they could get them, because a great many people like to buy when they can buy at a bargain, whether they need the article or not. I know that that is true, and it is not only true of the ladies but among men; we frequently do the very same thing.

Mr. JONES of Washington. Mr. President—

Mr. McKELLAR. I yield to the Senator from Washington.

Mr. JONES of Washington. I desired to ask the Senator from Iowa [Mr. KENYON], who is a member of the committee, whether or not the Secretary of Agriculture, who appeared before the committee, pointed out any particular places where seeds were needed?

Mr. KENYON rose.

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. KENYON. I was simply going to say to the Senator that I have been trying to submit some remarks on this bill for a day or two, but have not been able to get an opportunity. When I get an opportunity I am going to say a few words.

Mr. JONES of Washington. Could not the Senator give me that specific information, as to what particular place the Secretary of Agriculture pointed out where they needed seeds and where he could get them and supply them under this bill?

Mr. KENYON. I can; but I would rather do it more logically later.

Mr. McKELLAR. I am perfectly willing to yield to the Senator to answer the question; but I want to say, with reference to such matters as have been touched upon by my esteemed friend from New Mexico [Mr. FALL], that we are taking care of those things now. The Department of Agriculture buys those seed. We have already appropriated for that purpose for another year. This is not a new project at all. Congress has appropriated what has been recommended for the purchase of all these new and unusual seed and a great many others that are not new or unusual. The Government is doing its full part about that, and I think it is entirely right. I vote for these appropriations for seed every year, and have done so ever since I have been in Congress, and I expect to continue to vote for them; but my point is this: Simply because we have declared war, that does not of itself make such an unusual condition that we ought to spend this vast sum for seed that no one has told us is necessary or even desirable except the two Senators from New Mexico. Now, I am willing to limit it so as to furnish New Mexico with seed if they need seed. To show that my heart is in the right place, if they need seed out in New Mexico, I am perfectly willing—

Mr. FALL. Mr. President—

Mr. McKELLAR. I am perfectly willing that the appropriation should be reduced to such an amount as will furnish with seed those who want them; but I do not think there is any reason why we should spend this enormous sum for seed that no one else seems to believe or understand are necessary up to this time.

I yield to the Senator from New Mexico.

Mr. FALL. I simply want to remove from the mind of the Senator from Tennessee, or any other Senator here, the idea that New Mexico is always pleading for something especially for New Mexico. I presume we have about as little sectional feeling or idea in New Mexico as exists in any State in the Union. There was an assault made upon this item yesterday by the Senator from Tennessee and one or two other Senators, and statements were made, just as they are being made this morning, that there was no demand for this.

The Senator from New Mexico who is now speaking happens to have been in rather close touch with some of the agents who are engaged in attempting to develop the food products of the United States—possibly in closer touch than others for the reason that the Senator from New Mexico is a farmer himself and engaged in a variety of farming industries. The Senator from New Mexico happens to know something about the beet-sugar industry of the West, for instance. He knows, and presumes the Senator from Tennessee also knows, that beet-sugar seed is not produced in the United States. Heretofore it has been purchased from Germany. The market is now cut off, of course. The Agricultural Department of this Government has been for several months engaged in doing exactly what it was constituted for the purpose of doing—attempting to secure a supply of good beet-sugar seed for planting in Colorado and Utah and the rest of the country. It is necessary, as the Senator knows, for the department to obtain it when it can obtain it in this war when our great source of supply is shut off.

To a certain extent this is true about rice. You can not cultivate rice, for instance, in the State of Arkansas with the seed grown in the State of Arkansas. It is necessary for them to be purchased abroad and brought in. Every three years, at least, it is necessary to reproduce the seed entirely. The Senator probably does not know that this is also true of wheat in our western country; that you can not plant the same character of wheat in the great plateau region of the West or Southwest for three years in succession. If you do, your hard flint wheat deteriorates to a soft wheat, which does not make the flour of commerce. Therefore you must go somewhere else, to some other section of the country, and bring your winter Turkey red or other seed wheat into places of that kind. You must shift around.

The Department of Agriculture has facilities for doing this through its millions of dollars of appropriations given out every year, through its agents in every State in the Union, through the agricultural colleges with which it cooperates in every State in the Union, through its county agents in every county in every State in the Union, under the extension work which is now being performed; and an item in this bill provides for further extension work—the next item to the very matter which is now under discussion. The Agricultural Department is able to do a great service for the people of the country. It is engaged in doing that.

I am one of those who have found various matters for criticism in the conduct of the Agricultural Department. On the whole, in my judgment, it is doing more good for the people of the United States than any other department of this Government. The Agricultural Department of the National Government of the United States has done more to attempt to eradicate the boll-weevil evil than all the States in the South combined have done; and not one word has ever been uttered by any southern man against any kind of an appropriation, any hundreds of millions of appropriations, for flood control or for assistance to the cotton crop of the South.

I mention this merely because the Senators from the South understand the needs of the South. The needs of the West, the needs of the Northwest, the needs of the Pacific coast, and possibly the needs of the Atlantic coast are entirely distinct from those of the South. We must legislate for the entire country. The objection of the Senator that this item of two and a half millions will not be of any benefit to Tennessee or the South at this particular time may be perfectly well taken. All that the Senator from New Mexico has been attempting to do is to impress upon the mind of the Senator from Tennessee that there are other sections of the country with divergent needs, different needs, and that we are willing—and we pay the taxes exactly as the people of Tennessee do—to trust the Agricultural Department with this little item of \$2,500,000.

Mr. McKELLAR. I will say to the Senator that since I have already stated that I shall be glad to vote for any sum that may be needed or even desirable for the one State whose representatives have appeared on this floor and stated that their State had requested or wanted or needed seeds as provided in this item, I do not think the suggestion that I am dealing in sectionalism is well taken.

Mr. FALL. Mr. President—

Mr. McKELLAR. I am perfectly willing to go as far as any Senator on this floor for any part of our country; I do not care where it is. If we can increase the food supply of this country by these appropriations, I will go as far as any Senator on this floor to vote for it, in as large an amount as anyone, where it is necessary. But here is what I say: The Department of Agriculture came in here two or three months ago and provided for the very things of which the Senator speaks, the purchase of these seed in the manner stated, and the Congress has already appropriated such sums as were asked for by the department

for these various purposes. Now, two months afterwards, and two months before the law permits them to use any of this money, some one in the department comes in and asks for \$2,500,000 more. There seems to be a good deal of difference of view down there in the department as to whether it is needed or not. The Secretary seems to have one opinion about it, and some of his bureau chiefs seem to have another opinion about it, according to the reports here. I do not think I can be charged with anything except a desire to protect the Government in wanting to know what is the reason for these unusual appropriations.

They say it is because of the war. Very well; the department has looked out for that; it has come here and gotten an appropriation for the seeds, and now, after planting time for the great body of our country—whether it is after planting time in New Mexico or not I can not say, because I am not familiar with it, but at all events after planting time for the great body of the country—they come in and ask for \$2,500,000 to store seeds, not to plant them but to store seeds, and sell such of them as may be wanted for cash.

I do not believe that the Government ought to go into the general seed business. I do not believe that it ought to interfere any more than is necessary. I do not believe that it ought to become the great seed emporium of the United States by selling seed in competition with its citizens. I think it is perfectly proper for the Government to go into the seed business to the extent of furnishing, through the Department of Agriculture and through Congress, unusual seed, unusual varieties, for the various parts of our country, so that the farmers of our country can get the very best kind of seed, to be tried in their climates and upon their particular soils. That is all right; but I do not think that simply because we have declared war the United States ought to go into the seed business generally. Surely if it were advisable to do it, if it were the best thing to be done, if it were the wisest thing for it to do to go into the seed business, we ought to go into it at a time when the seed were necessary, when we could do some good by it.

Some time ago I introduced a resolution doubling the amount of seed that the Department of Agriculture would send out for this past year, but the resolution came, as it seemed to me, too late, and I did not press it. That is my view of it. I think if it could have been gotten in time it would have been very wise to have duplicated the amount of seeds to be sent out this year to the whole country, but it is too late now. It is not necessary now; and I do not believe we ought to at such a time as this devote such a large sum of money for a purpose that is not needed according to the report of Senators on the floor, so far as they know, if they will except one State in the Union. My friend from Arkansas [Mr. ROBINSON] tells me it is time for me to stop, and I will.

Mr. KENYON. Mr. President, I have listened rather intently for two days to pretty nearly the same speech. The Senator from Tennessee [Mr. McKELLAR] says he has secured no information as to the necessity of this item. If he had taken the trouble to inquire of the Department of Agriculture, he could have secured enlightenment in much less than the time he has taken to tell the Senate that he did not know anything about it, which I think was an entirely unnecessary statement to make.

Mr. President, I do not know whether Congress is going to awaken to the importance of this food question or not. I believe the country is awakened to its importance. I am not going to talk any hysteria about it at all. There is no need of hysteria, but there is need of common sense as applied to the situation, and a little less oratory and rhetoric.

I am not going to take the time now to discuss the whole food situation, though I realize that the attacks to a considerable extent that are being made on this small bill are directed toward the larger bill that will be before the Senate in a short while.

Mr. President, this general food question can not be exaggerated in its importance. We have enough food in this country to supply our people. We can grow enough to supply the world. But we are presented with a new problem by reason of the war. The whole final conclusion of this war is going to depend upon this food proposition. What is Germany indulging in her submarine campaign for? To starve England. What is England trying to do with Germany? To starve Germany. Get rid of the food that is going to our allies by sinking it in the depths of the sea and the allies are then defeated, and everybody knows it. Bread is more important than bullets.

We might as well wake up to the importance of this food question. It is important to the Army and the Navy, of course, but it is important in another way, Mr. President, and that is it enters into the tranquillity of the United States. It enters into the final success of this war. Hungry people can not be

very patriotic, and ill-fed soldiers can not defeat well-fed soldiers.

So there is a great broad question, more than the little appropriation for ticks and hog cholera and cattle abortion and all these things. Whatever the Department of Agriculture can do, and it is a great department, to conserve food in this country they are helping to domestic tranquillity and they are helping to the success of this war.

The Agricultural Committee has added to the House bill which will be reported here shortly a section against speculation, the bill which the distinguished Senator from Montana [Mr. WALSH] has introduced. That is also in the interest of domestic tranquillity. We can theorize here about the cost and prices of wheat and give reasons for them that are perfectly logical, and that the increased supply of gold has caused prices in everything to increase, but you can not sit down and reason to people in this country on small salaries and small wages any fine-spun theories. They believe that speculation has had something to do with this situation, and nearly everybody else believes that speculation has had something to do with it.

Now, we are going to make certain kinds of speculation a crime, with a penitentiary sentence to it and with no fine. We are going to fix it, if the Senate will pass the amendment to this bill which I refer to, so that those pirates in this country who are robbing the people by cornering foodstuffs which the people must have will go to the penitentiary and will not get away on any fine. That will tend to domestic tranquillity upon the part of those who have to eat and are not living by speculating in foodstuffs.

I might just say that the increase of wages in this country, while it has been perhaps large, has not kept pace with the increase in the cost of living, and the most illuminating testimony that I have heard was the testimony of Prof. King on that subject before our committee, in which he showed the matter very clearly.

How are the laboring people to live under present conditions?

The farmers are not getting all this increase. There is too much of a variation between what the farmer gets and what the consumer has to pay. We must not do anything here on this food question that will irritate the farmers of the country or will take away from them their enthusiasm which they now have as patriotic citizens to produce; but the farmer wants his share, his honest share, of what the consumer has to pay. He wants the laws of supply and demand to be in free operation. A minimum guarantee, as has been suggested, will stimulate production. It is too late for it now to do any good this year. We have idled along on this proposition for a month. When Mr. Perkins was before the Agricultural Committee just a month ago yesterday he said that unless something was done on that subject right away it would be of no use; that a month was a year on this question. That was just a month ago yesterday. The chairman of the committee agreed to that proposition. So we have lost about a month.

I am not criticizing anybody. I know how difficult it is to get things done in Congress. We have been three days on this little bill now, when we passed a \$3,000,000,000 appropriation bill in two days. We have had the same thing argued over and over again on this bill, all on the theory of economy.

Mr. President, I expect I have been as strongly for economy as any man in this Chamber, and I am now. I do not think we ought to go wild on these appropriations just because it is war time. We ought to look carefully into every one of them. But it is exceedingly interesting to me to see gentlemen talking about economy in furnishing a few seeds to the farmers for cash when these gentlemen have consistently opposed any proposition in this Chamber looking to the stopping of sending out seeds in the free congressional distribution, which are nothing but political seeds and cost this Nation nearly \$300,000 a year. These little excursions into economy are splendid. Spasmodically hysterical.

The Senator from Tennessee objects to this appropriation for seeds. In the Sixty-fourth Congress we passed a joint resolution appropriating \$540,000 for the relief of flood sufferers in the States of North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, and Mississippi, and that act provided that—

The Secretary of War, under such regulations as he may prescribe, is authorized to expend so much of the aforesaid sum as he may deem necessary in supplying such seeds as may be suitable to produce quick growing crops.

That was partially for Tennessee. All the Senate voted for that, I think, because they realized that the question of seeds is at the bottom of a good food supply in this country, and the question of seeds now and next year is important on the food

question in this country. I do not believe there was a dissenting vote to that appropriation of the Sixty-fourth Congress.

The Secretary of Agriculture came before the Committee on Agriculture this session and stated that he had inquiries about this seed question, and he said these significant words, which I want to put in the Record:

Especially should we undertake to protect and safeguard the seed supply for next year.

True, indeed.

We can not do much this year, of course; the season has gone by.

Mr. SMITH of Georgia. Has the Senator the letter fully discussing the importance of this seed question that we had before the committee on the previous occasion and also this morning?

Mr. KENYON. Does the Senator refer to the statement I read this morning?

Mr. SMITH of Georgia. Yes.

Mr. KENYON. I will state to the Senator that was not a letter. It was a dictation I made from what came to me over the telephone from the Agricultural Department. I was going to refer to it.

The Senator from Tennessee tells us there is no necessity for this appropriation. I have discussed it so far as a general proposition as to how it inheres in the whole food situation. Now, I want to get down to brass tacks as to the present situation, and I give my information as coming to me from the Department of Agriculture.

I wish to say this, Mr. President. It seems every time the Agricultural bill gets here it is a sort of a football, mostly a rhetorical kind of a football, for everybody to get after. It has been so now. You have got to depend on somebody in this Government being square and honest and patriotic besides Congress in this emergency. We are all honest and patriotic, and admit it, and know nearly everything, and admit it; but here are men in the Department of Agriculture, specialists along their line, splendid types, doing honest work and doing earnest work, and yet we peck away at anything that they seem to ask. I do not know why it is.

The purpose of this item is to meet emergencies that may arise. It is not provided in this item, and it is not proposed by the department to provide for the indiscriminate distribution of food, nor to relieve farmers of their own responsibility in saving their own seed supply. Emergencies are continually coming up in the Department of Agriculture and appeals are made to them because of these emergencies in different parts of the country. Right here now in the last two days there has been a cyclone reaching over the Middle West country. Those may be some of the people who will have to be aided by the Department of Agriculture. Right now the Department of Agriculture is trying to assist farmers in Alabama in getting their seed corn. You can not take the corn from Iowa and other States and plant it in Alabama. You have got to experiment with just the kind of corn that will be adapted to that climate. That is one of the things at this moment that is being asked of the Department of Agriculture and one of the things for which this appropriation could be used.

I referred to the fact that last year there was a widespread destruction of staple seed crop from North Carolina to Mississippi. We passed that emergency act for that purpose, and all that money was used for the benefit of those agricultural classes except \$60,000, which was returned to the Treasury of the United States.

In this item here for seed the money is not lost. The seeds are being purchased by the Government and sold to the farmers for cash. The money all comes back. The Government does not lose a cent; but by reason of the fact that the Government is buying in large quantities and can buy cheaper it may help the poor farmers in certain sections of the country to get the seed cheaper, and it may not. If it does not, the money will all be here and will not be expended.

I see that my friend from South Dakota [Mr. STERLING] is not here who was so interested in the seed question on yesterday. If the Government last year had had a million and a half bushels of good spring seed wheat, the farmers of South Dakota would not be forced to use the shrunken seed, as they have this year, the productivity of which is not at all certain. The condition of that seed is due to the black rust which they had.

The Senator from Montana [Mr. WALSH] came before our committee. I have not secured a copy of just the bill which he introduced, but I think it was a bill proposing to appropriate \$500,000 for the Government to loan to the farmers for seeds.

Mr. WALSH rose.

Mr. KENYON. Am I mistaken about that?

Mr. WALSH. If the Senator will pardon me, I will state that I did not introduce any bill. I had contemplated introducing it and had drafted one, but before introducing it I got information that the situation in Montana was being very nicely taken care of by the people of our State.

Mr. KENYON. That is the business men and the bankers of Montana took care of the situation?

Mr. WALSH. Yes.

Mr. KENYON. It was a seed situation, was it not—a dearth of seeds? There may be other States that could not have taken care of the situation as well as Montana.

Mr. WALSH. The chief variety of wheat grown in our State is winter wheat and in many sections of the State the crop had been winterkilled. It was represented that where the winter wheat had been killed the ground should be seeded with spring wheat, and that many of the farmers had exhausted their resources in seeding last fall and would be unable to secure the seed wheat, and the aid of the Federal Government was asked. But before the bill was introduced I had information, as stated, that the situation was being taken care of locally and satisfactorily.

Mr. KENYON. But the Senator felt when the emergency was first presented to him that it was of such a nature that the Government should furnish some aid.

Mr. JONES of New Mexico. Mr. President—

Mr. KENYON. I yield to the Senator.

Mr. JONES of New Mexico. I should like to ask the Senator from Montana a question. The condition of wheat in Montana was alleviated by the local people. Does that furnish any argument why the Government should not relieve other sections if they require relief?

Mr. WALSH. Not at all, and that is exactly the point I am making in connection with this feature of the bill as it now stands. It would be utterly useless for the people of my State for the Government to buy seed and sell it for cash. The conditions as represented were that they were unable to provide the cash, and I can very readily conceive that the same conditions might exist elsewhere. Therefore, as the bill originally came from the Department of Agriculture, there is an appropriation of money for the purchase of seeds to be sold to the farmers upon credit. I can see some basis for it; I can see some reason for it; but I have yet to hear of any condition that would seem to require that the Government should buy seed and sell it to the farmers for cash.

Mr. KENYON. Mr. President, the answer to that, I think, is perfectly apparent. There is certain seed that the individual farmer is unable to secure, such as the situation arising as to the corn of which I spoke, in the North and in the South.

There is a further argument in favor of the proposition, and that is that the Government in times of stress to the farmer can buy in larger quantities and can let the farmer have the seed cheaper than he would if he bought it himself. There is the third point, that the farmer can not ship out seed from, we will say, Minneapolis to North Dakota in the small amounts that the individual farmer would require as cheaply as if the Government shipped it out in larger quantities. Then the individual farmer would have the opportunity to buy it.

While I, of course, realize that it would be much better for the farmer, solely from his standpoint, if he could buy the seed on credit—and that is the House provision—the Senate committee felt that the experience of the Government in the past would not warrant such provision.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Iowa yield to the Senator from Montana?

Mr. KENYON. I do.

Mr. WALSH. I simply want to add that I should not be at all averse to making some provision if any considerable section of the country should suffer by some disaster of nature, by some fortuitous circumstance, which deprives its inhabitants temporarily of the ability of taking care of themselves. We made an appropriation, I think, to take care of sufferers from the flood in Ohio; we made an appropriation to take care of the sufferers from the floods in some of the Southern States. It is not at all improbable, as the Senator from Iowa now suggests, that it may be necessary to afford some relief to people who have suffered within the last few days from tornadoes. The circumstance to which I adverted in connection with my own State was in its nature fortuitous. It was an extraordinary thing that the fields in a great area of country in that way should be winterkilled. I thought the case fell within the class which the National Government frequently relieves—a community suffering from some disaster of nature. If any Senator should rise upon the floor and say, "The people of my section of the country by reason of some disaster of some kind or other find it neces-

sary to appeal to the Government to furnish them with seed," I should be much disposed to help them out.

Mr. KENYON. Well, what is the objection to this proposition?

Mr. WALSH. But I have heard no one avow the existence of conditions in any section of the country which would justify us in making an appropriation either as a gift or as a loan. While I can understand that there may be seeds of a rare character or of a peculiar nature that may be procurable from the Government when they would not be procurable in the open market, nobody has told us of that condition of affairs. Thus, I must say frankly to the Senator from Iowa that I have found no justification, at least sufficient for myself, for this appropriation for the purchase of seeds to be sold for cash to the farmers.

Mr. KENYON. Well, of course, that is the line of differentiation. I should think the Senator would not object to a bill to be placed in the hands of the Secretary of Agriculture to be used if the emergency should arise. If the emergency does not arise the money will never be used. If the emergency does arise the Secretary of Agriculture can take care of it.

Mr. BRADY. Mr. President—

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

Mr. KENYON. I yield.

Mr. BRADY. Referring to the remarks of the Senator from Montana [Mr. WALSH], I desire to say that it seems to me that a great many Senators do not view this section of the bill as the members of the committee viewed it. We were not thinking at that time of an immediate emergency, but we were thinking of what would happen in another year. The matter was fully discussed in the committee, and the fact was mentioned that it was not so much a question of buying seed for the farmers as it was a question of the ability of the Government to secure the seeds and to distribute them to better advantage than any private individual could possibly do. That was one of the main reasons why the committee adopted this particular section.

It seems to me in this emergency, when we are all trying to encourage the farmer just as much as possible, when we only a short while ago appropriated a hundred million dollars, after only eight minutes' discussion, that we ought to be willing to trust our Secretary of Agriculture to use this small appropriation judiciously and properly.

Mr. KENYON. Mr. President, I want to close what I have to say.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator from Iowa in that direction for just a minute I desire to bring out particularly what he has suggested and as bearing on the need of some provision like this.

The fact is, as the Senator has stated, that the farmers can not always supply themselves with the seeds which they need. There are certain products which depreciate in quality and in kind and which get to be almost worthless where they are propagated by the same seed raised from the same crops on the same farm each year. Take, for instance, as an illustration, sea-island cotton, which is a long-staple cotton. If the seed of the crop this year is used for next year and the seed of that crop is used for the following year it will gradually lapse back into a short-staple cotton and lose its distinctive character entirely as sea-island long-staple cotton. It is necessary, therefore, for the growers of that crop to get the seed each year from some other portion of the country, from some other source, in order that they may keep the character of that product up to the standard.

I have no doubt the same principle obtains as to corn possibly, and also as to wheat, oats, and some other products. You may say that the farmer ought to provide at least his own seed; but he can not always do that. For that very reason he must get the seed from somewhere else. I know in the case of sea-island cotton, I have had frequent applications from growers of that article in Florida for new seed, fresh seed, from different sources. I have referred the matter to the Department of Agriculture, and sometimes the department has been able to furnish the seed.

I mention this because, it seems to me, it has a bearing on the argument of the Senator from Iowa as calling for a fund like this, a provision whereby the Department of Agriculture can keep on hand seed that can be used in different parts of the country for the purpose of keeping up the standard of the crops.

Then, as the Senator from Idaho [Mr. BRADY] has suggested, in answer to the argument of the Senator from Tennessee [Mr. McKELLAR], that the season is probably over and that we do not need the seed, there is another year coming, there is another crop coming, and there is another need and a new need coming just ahead of us.

Mr. KENYON. I thank the Senator from Florida for his suggestion.

Mr. PAGE. Mr. President—

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

Mr. PAGE. Will the Senator yield to me for a question?

Mr. KENYON. I yield.

Mr. PAGE. I confess, Mr. President, that in the consideration of this question it has seemed to me that the great, the overpowering, reason why we should appropriate this fund is that the Federal Government may in this time of war become a clearing house for the whole country in the distribution of seeds. Has any argument been offered in objection to that theory?

Mr. KENYON. That theory, I will say to the Senator from Vermont, has not, I think, as yet been advanced. It would be interesting for the Senator to elucidate that, and I will give up the floor in just a moment or two that he may do so.

Mr. PAGE. I do not desire the Senator to do that, but I merely asked the question. To my mind that is important. I remember that in the discussion before our committee that question was raised.

Mr. KENYON. It was; but it had escaped my mind for the moment. It is a very important consideration.

Mr. PAGE. It appealed to me as being the strong reason for this appropriation.

We know that we can not always, by sending to seed markets like Chicago and Minneapolis, get good seed; we can not always get seed which is best adapted for all localities. If this matter were taken in hand by the Department of Agriculture, and they, through their agents, found what seed was in the market for distribution, ascertained as to its availability or desirability for any particular section of the country, as a clearing house the Government would become really very important.

Mr. KENYON. I am glad the Senator has made that statement. I think I hinted at it, but did not go into it very far.

Mr. BRADY. Mr. President—

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

Mr. KENYON. I am anxious to conclude, but I will yield to the Senator.

Mr. BRADY. Relative to the remarks of the Senator from Vermont [Mr. PAGE], I desire to say that I received the same impression as that gained by the Senator from Vermont; and I think it has been fortified by the very able argument of the Senator from Iowa [Mr. KENYON]. The point that he desires to make, and that we wish to impress upon the Senate, is the fact that we want to be prepared for an emergency. The Senator from Montana [Mr. WALSH] appeared before our committee and favored a bill appropriating \$5,000,000, I believe, to purchase seeds for farmers in parts of the country where the crops had been frozen out by the severe winter. What we want—and the matter, I think, has been presented in a very able way by the Senator from Iowa—is to have this \$2,500,000 available for use by the Secretary of Agriculture, so that in case next winter the crop should freeze in Montana or in Idaho, or something detrimental should happen to it in New Mexico, the Secretary of Agriculture will have this fund available without having to wait on Congress for an appropriation. It will enable him probably to purchase the seeds, and all he will have to do will be to distribute them.

Mr. WALSH. Let me remark that I do not think that it would do us any good if we had to pay cash for the seed. We could go out on the market and buy it.

Mr. KENYON. The Senator from Montana and some of the rest of us can not agree on that proposition. I am glad to have my remarks interpreted by the Senator from Idaho [Mr. BRADY]. Possibly they may be more clearly understood.

It ought to be understood that this item is not intended merely for the indiscriminate distribution of seed. It is more in the nature of an insurance against conditions that may arise when the crops of this country may be seriously affected. In Great Britain they have formulated some plan in their department of agriculture and fisheries to finance schemes for the distribution of seed potatoes, realizing that that is a most important matter.

Mr. President, I did not rise to make an extended speech on the food question. I had intended at sometime to discuss the general food question; but I am going to wait until the larger bill gets over here; and I think there will be plenty of time then to discuss it. I should, however, like to plead for some speed, if possible, within the bounds of reason upon this bill. This survey could be made by the Secretary of Agriculture within 30 days. We ought to know just what the food supply of this Nation is. That is of prime importance to the Nation now. That item and the seed item are practically the only things in this bill outside of the appropriations. This \$2,500,000 appropriation is merely to provide a fund, which will never be spent

except in an emergency, and then, if it is spent, it will be returned to the Government. What better work can we do than that along the line of food conservation?

Mr. BRADY. Mr. President, I have just received a telegram from Harrison, Idaho, which is very pleasing to me, and I am going to ask the privilege of presenting it to the Senate and reading it into the RECORD. It is as follows:

HARRISON, IDAHO, May 28, 1917.

Senator JAMES H. BRADY,
Washington, D. C.:

Harrison, with 1,000 population, has sent 40 men to the front, and we are growing all foodstuff possible. At a mass meeting last night we unanimously voted to petition you to use all your influence and authority to abolish liquor during the war.

D. SHANAHAN,
JOHN PUGH WAYNE,
Committee.

In this connection, Mr. President, I am going to read a short article from Collier's of May 7, 1917. It is headed "A challenge from Idaho," and reads as follows:

Collier's printed an editorial headed "Getting your town ready." R. B. Corcoran, of Chloride, Ariz., comes back with a letter which includes this:

"I should like to call your attention to the town of Harrison, Idaho. By the census of 1910 Harrison had a population of 980. Since the severance of diplomatic relations with Germany she has sent 10 boys to the Navy and, to quote the local paper, The Searchlight, 'several more will follow when school is out.' What other town of equal size can show so good a record?"

It is a record to be proud of. There is inspiration in the thought that the boys of far-inland towns in Idaho, in Montana, in Kansas, will, under the flag of Perry, Decatur, Farragut, and Dewey, help to carry on the world's work in sweeping from the ocean and from history the pirates of the twentieth century, as a century ago their ancestors freed the Mediterranean Sea of the Barbary corsairs. They have enlisted in the Navy in a glorious hour, these boys of Harrison.

I feel very proud of this article from Collier's. I wish to say in passing that it may be of interest to note that Idaho was the first State officially to purchase liberty bonds, \$100,000 worth being taken on the very day the subscriptions were opened.

I also wish to call attention to the fact that so many young men from the State University of Idaho at Moscow, Idaho, left the institution to enter the western training camp for officers or to enlist in the Regular forces of the Army and Navy or to return to the farm to assist in the production of crops that it almost necessitated the closing down of the college for the year. It may be well to recall that it is a matter of official record that the University of Idaho sent more men as volunteers to the Army in the war with Spain in proportion to its enrollment than any other university or college of a like character in the United States. Many of its students gave their lives to their country in that war, and on the university campus now stands monuments to their memory. Inspired by the example of the student body in 1898, the indications are that the university will furnish even a greater proportionate number of volunteers in the war against Germany.

Referring again to Harrison, Idaho, I wish to say that Harrison has furnished 2½ per cent of its population already for the Army and Navy. If the entire country should give this same proportion, 2,500,000 men would be available, which would fill the requirements of the Regular Army, the Navy, and the National Guard to more than overflowing.

Mr. President, I am proud to receive the telegram I have read from the splendid little city of Harrison, Idaho; and I am glad to be able to say on the floor of the Senate that I shall use every endeavor to assist them in the good work they are doing in the effort to abolish the liquor traffic during the war.

Mr. TRAMMELL. Mr. President, I regard the provision of the bill now being discussed, which provides for the gathering together, storing, and distributing of seeds where needed to our farmers at cost, as one of the most meritorious features of the entire bill. More or less has been said in regard to its being an emergency measure, or being adopted under the pretext of emergency. I believe that it is a desirable measure even in times of peace—a measure providing for seed, and an additional avenue whereby the farmers of this country, if it becomes necessary, may be able to equip themselves for carrying on their farming operations.

One of the great cries throughout the Nation to-day is for the increase of farm production. If we are to increase and enlarge the yield of our farms, necessarily there will be a greater amount of seed required throughout the country. I am firmly convinced that the provision is a very wise one, and that the amendment offered by the Senator from Tennessee [Mr. McKELLAR] should not prevail. The measure does not carry with it the idea of a gift to the farmer, but merely that of providing an additional method or avenue through which he may, in case of necessity, acquire his seed. I hope that the amendment will not prevail, and that the appropriation for assisting the farmers of our country in providing seed will be allowed to stand.

Mr. HOLLIS. Mr. President, I very much hope that the Senate will accept the judgment of the Committee on Agriculture on this seed proposition. I wish myself to thank the Senator from Iowa [Mr. KENYON] for stating the purpose of this provision so clearly, so that we may see what the issue is. As I now understand it, it is merely whether the Senate is willing to trust a fund of a substantial amount in the hands of the Secretary of Agriculture so that he may, if the need arises, have in his hands funds by which he can buy seeds and furnish them for cash to the farmers.

I do not know that the emergency is upon us. I do not know that it may be met this season. I do not know that it will arise next year; but, speaking as a Democrat, I am glad to say that I have sufficient confidence in the Secretary of Agriculture to allow him to have this fund. I feel humiliated that the chief defense of the Secretary of Agriculture on this floor should come from the other side of the Chamber, and I wish to add my thanks to the Senator from Idaho [Mr. BRADY] and to the Senator from Vermont [Mr. PAGE] for coming to the rescue of the Democratic administration in this emergency.

There seems to be a field to-day for great objectors to advertise themselves at the expense of the American people. Our Government has undertaken the biggest job it ever has undertaken or probably ever will undertake, and that is to help this war through to a successful conclusion; and it is a very poor way, indeed, to help the Government to stand up here and attack the administration or different members of the administration.

I thank the Republican Members once more for their help; and I hope some of the Democrats will follow the example of one of our new Members, the Senator from Florida [Mr. TRAMMELL], who has just spoken, and back up the administration instead of opposing it.

Mr. SMITH of Georgia. Mr. President, I wish to say just a few words about this entire bill. It is constructed upon the theory that a great responsibility falls upon this country, in connection with the war, to furnish foodstuffs to England, France, and Italy, as well as to retain a supply for ourselves. Each item in the bill is intended to promote that single object—first, a study of the food supply and the acquirement of information by the Secretary of Agriculture; second, certain increased funds to stimulate production and to give cooperation to the farmer along lines of demonstration, that the soil may be, if possible, made to produce even more than usual this year and, perchance, next year.

This seed provision has been inserted at the direct request of the department. It is due to the conviction of the department that it is needed. The department, studying the whole field, from the Pacific to the Atlantic, from the Lakes to the Gulf, this year and next year, will be in a position to see where food production can be increased and stimulated by putting in the hands of the farmers at some places better seeds than they have, and by assuring the fact that at each point the necessary seeds can be obtained. It is a stimulation of production. We have limited it by the provision that the seeds are to be disposed of through the department for cash. It is merely placing in the hands of the Department of Agriculture temporarily a fund of \$2,500,000 to provide a supply of seeds and provide means of transportation. The seeds, when disposed of, are to be paid for in cash. It is a utilization of an existing agency, with no cost to the Government.

With the exception of one provision, I have referred to the entire scope of the bill. That other provision was not reported from the committee but has been offered from the floor by the Senator from Montana [Mr. WALSH]. I consider it of great importance. It is the amendment offered by the Senator from Montana, reported also by the Judiciary Committee, I believe, this morning, which undertakes, after the product leaves the farm, between that time and the time when the product reaches the consumer, to put a stop to improper conduct by hoarding and by extortion. It is to stop the improper manipulation of food products between the time it leaves the farmer and reaches the consumer. It is the careful work largely of the Senator from Montana, who was upon the subcommittee of the Judiciary Committee which considered the bill, and I think with that added to this bill, as a whole, it will be a measure of great value.

We will see that the farmer gets these seeds. We will see that the farmer has the cooperation of the trade experts to stimulate production. We will study the problem of distribution, and all along the line we will increase and intensify the action of the Department of Agriculture, because we feel that an unusual responsibility rests upon our country now in the matter of food supplies. I believe the amendment offered by the Senator from Montana will go far toward checking any

food manipulation or food speculation that will change the price unduly from the time the farmer sells it to the time the consumer acquires it.

I am for the bill as a whole with the Walsh amendment, believing that that amendment is a most important part of the measure. We had one of similar character before the Committee on Agriculture and Forestry, but I and others urged that we wait for the work of the Judiciary Committee, which the Agricultural Committee was advised had a subcommittee working on the subject. We omitted including any provision on the subject in the bill before the Committee on Agriculture only because the majority of us preferred to wait for the action of the Judiciary Committee and cooperate to ingraft the provision that the Judiciary Committee submitted as a part of this bill.

Mr. WALSH. Mr. President, my attention has been called to an article appearing in the New York Sun of recent date entitled:

Seek to admit Chinese labor. Movement to let in coolies starts on Pacific coast. Needed for duration of war.

In the course of the article the following occurs:

Senator WALSH, of Montana, who is said to favor the idea as a means of making up the scarcity in labor on the big ranches of the Northwest, is understood to have gone so far as to prepare a bill covering the proposal for a limited importation of Chinese coolies.

I desire to say, Mr. President, that I do not favor the idea, that I never did favor the idea, that I have prepared no bill on the subject, that I never thought of preparing a bill on the subject, nor did I ever give any intimation to anyone that I thought of preparing a bill on the subject.

Mr. PAGE. Mr. President, aside from that the article is correct, is it? [Laughter.]

Mr. WALSH. Apparently the only foundation for the newspaper report is the following from a few remarks that I made on the floor of the Senate on May 2, namely:

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

I naturally assumed that the language I used would carry the impression that the suggestion found no favor in my mind.

Mr. President, I inquire whether the pending motion is the motion of the Senator from Tennessee to strike out?

The PRESIDING OFFICER (Mr. STERLING in the chair). The Chair will state to the Senator from Montana that that is correct.

Mr. WALSH. I inquire, then, whether the committee amendments have been disposed of?

The PRESIDING OFFICER. The committee amendments have not been disposed of.

Mr. SMITH of Georgia. That motion came in in connection with a committee amendment which reduced the amount in the bill; and as a substitute for the reduction of the amount by the committee the Senator from Tennessee moved to strike out the entire item.

Mr. WALSH. The committee amendment, as I understand, was agreed to.

Mr. KENYON. Yes.

Mr. WALSH. So that in the regular order we will pass to the next committee amendment.

Mr. SMITH of Georgia. I think the Senator is right, and the motion is out of order.

Mr. KENYON. Has the Senator any objection to voting on it at this time, since it has been discussed?

Mr. WALSH. None whatever, except that if that amendment is adopted, then section 2, of course, should come out of the bill.

Mr. KENYON. Yes.

Mr. WALSH. Because there would be no appropriation with which to carry out the provisions of section 2; and the test, it seems to me, should come upon a motion to strike out section 2 rather than this provision. I inquire of the Senator from Tennessee whether that would not be the case.

Mr. McKELLAR. No; I think not, because the appropriation could be made at any time that the Congress might see fit hereafter for that purpose. I do not think it is appropriate that this appropriation should be made right now.

Mr. WALSH. I defer to the committee if they desire to have a vote now.

Mr. KENYON. What is the harm, now that the matter has been discussed as to the appropriation, of voting on it? If the appropriation goes out, the other goes out.

Mr. McKELLAR. Yes; I think so.

Mr. PHELAN. Mr. President, may I ask the Senator from Montana what was the date of the publication in the New York Evening Sun which he has read to the Senate?

Mr. WALSH. May 22.

Mr. PHELAN. I have been in receipt of numerous telegrams from labor organizations of California, some of which I have had printed in the RECORD, since May 22, and I suppose the rumor originated in the Eastern States that it was the intention of Congress to consider the relaxation of the restrictions of the Chinese-exclusion law. I have been unable to find any serious attempt on the part of anybody to relax those laws, and I am sure that the people of the West will be satisfied with the statement made by the Senator from Montana that it certainly was not he who originated the idea of meeting the emergency of the shortage of labor by letting down the bars. The Department of Labor has a well-considered plan in contemplation of enlisting—I would not say conscripting—the younger generation ineligible for war service on account of age, in the work of supplying the necessary labor in the fields and in the orchards.

Mr. FALL. Mr. President, in connection with the statement made by the Senator from Montana and that just made by the Senator from California, I think if the Senator from California would investigate the action of the Labor Department recently he might find that the action of the department in reference to the suspension of the literacy clause in the immigration bill and the contract-labor clause, under a certain provision contained in the immigration bill, might have given rise to the suggestion or to the thought that if the Secretary, under the particular clause to which I have referred, would have a right to suspend the literacy clause and to suspend the contract-labor clause, he would have an equal right—and I do not think there is any question of it—to suspend the Chinese-exclusion act. Possibly that may have given rise to some of the rumors that have been heard. As a matter of fact, the order has been made, and the literacy clause and the contract-labor clause are actually, at the present moment, suspended on the southern border of the United States.

Mr. PHELAN. Mr. President, I am aware of the fact that the Secretary of Labor has—under what power, I do not know—suspended the literacy test and the contract-labor prohibition in the immigration law, for the very worthy purpose of supplying needed labor in the southern border. I have reference more particularly to the California-Mexican border, where the Mexicans have been accustomed, in normal times, without objection from any source, to come across the border and work in the vineyards and the orange groves. So the wise action of the Secretary in this great emergency has passed without challenge, as far as I am aware, by the men and women more particularly interested in the welfare of labor, through their organizations. I am glad to be able to inform the Senator from New Mexico, however, that the department has informed me that with respect to oriental labor it is opposed to relaxing the laws, and whatever they may have done in the case of our neighbors in Mexico they have no intention whatever of doing with respect to orientals.

Mr. BRADY. Mr. President, relative to the condition on the southern border, I fear that even that condition is fraught with danger, but I am in hopes that the matter may be controlled by the department in a manner so that there will be no particular injury. However, I do not want the impression to go abroad, so far as I am concerned, that the West is in favor in any way of suspending the immigration laws in order to relieve the present situation. I do not believe that that time has yet arrived. I know the West is not in favor of any such action. I fully agree with what the Senator from California has said along those lines.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 4188. An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, was read twice by its title and referred to the Committee on Agriculture and Forestry.

AGRICULTURAL PRODUCTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2344) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products.

Mr. GORE. From the Committee on Agriculture and Forestry I report back favorably with amendments the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products.

Mr. SHERMAN. Mr. President, it is passing strange to me that nothing can get through the Senate in its own name any more. I call the attention of the sponsors of this bill who are members of the Committee on Agriculture and Forestry to the course of the argument here in behalf of an appropriation for the purchase and distribution of seed to farmers or truck gardeners in various parts of the United States. This amendment has been argued all day and most of yesterday. That is not the appropriation in this item. The item particularly under consideration now is an insect pay roll wearing the livery of a Government seed store. Fraud always lurks in generalities. That is a universal maxim that the chancellor applies in trying to arrive at justice where he is not hampered by strict statutes or rules merely artificial in character.

Of the \$2,500,000 the front foot is for the purchase and distribution of seed and the body and the hinder part of its legislative anatomy is for the control and eradication of insects. But stop right there. It is so general in character that it will include anything in the entire entomological world. It might be the pursuit and collection of tent caterpillars in connection with the food supply, because they destroy large quantities of fruit. It could just as well be connected with the white butterflies that are pests in cabbage fields, or any of the pests and annoyances of the well-known crops of the cotton belt for which very liberal appropriation, and properly so, are already made. With those I had no objection at the time they were pending in the Senate. I do not remember now a single dissenting voice against those necessary appropriations. This is for the control and eradication of insects. I will not be hypercritical and say anything about the language of this paragraph, but there is no kind of legislation that will control insects. If there is, I should like to have some of the experts in the Department of Agriculture or on the Agricultural Committee communicate that information to the Senate before we adjourn or conclude the consideration of this bill. You may kill an insect but you can not regulate it. Still, if we were to take this paragraph it would be for the control and eradication of insects.

It goes on further, "and plant diseases," but it is evident that that purpose was contained in the paragraph referred to and in this portion of it. It is to control and eradicate insects and plant diseases. For the control of plant diseases it would be very well to take some steps.

Mr. KENYON. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Illinois yield to the Senator from Iowa?

Mr. SHERMAN. I yield.

Mr. KENYON. I wish to say to the Senator, so that he may be clear about this matter—and I do not wonder he does not understand it, because we neglected to explain it—the bill passed by the House yesterday separates the item for seed and the item for the control and eradication of insects and plant diseases, making the appropriation for insect and plant diseases \$441,000. The Agricultural Committee this morning has stricken that out of the bill. Now, we are working in this situation here. The House bill has been recalled to correct an error. It will be back here in a short time; but the provision as to the eradication of insect and plant diseases should go out of this item that we are now discussing.

Mr. SHERMAN. Then it will be purely for the distribution of seeds?

Mr. KENYON. Purely the seed proposition.

Mr. SHERMAN. How are you going to get the seeds? I will confine myself entirely to the proposition that eventually will be before the Senate for a vote. Where will the Government buy them? From somebody who now owns the desired kind of seeds. The Government does not own anything. The Government does not produce anything. The Government has no facilities for producing. It has neither workmen nor fields nor seed nor power nor soil, pay rolls, or anything else, to produce the desired article that it is to furnish here to the producer. The only way, therefore, that the Government can obtain the necessary seeds is to go out and buy them from those who already have them in private life. At what price will they be bought from the holder of these various kind of grain? At a price to be fixed by the Government. Who will fix it? The National Defense Council, the Secretary of Agriculture, the President through some delegated power that he may exercise, or how? It will have to be fixed in some way.

That brings up the same question that was referred to by the Senator from New Hampshire [Mr. HOLLIS] a day or two ago.

It was answered in this way, that the Government will fix a price for the surplus that the farmer has in his possession, and I assume that he would be compelled to sell it for that price. I refer particularly to this language when this same bill was being considered on the 26th day of May, last Saturday, in which the Senator said:

For the prosecution of this war the Government ought to take over the production of all the essential necessities of life, such as coal, steel, lumber, and food. They should take from the farmer friend of the Senator from Illinois [Mr. SHERMAN] the 5,000 bushels of grain which he has raised himself at a price to be fixed by the Government; and then the commodities should be distributed at cost.

Mr. BRADY. From what Senator is the Senator quoting?

Mr. SHERMAN. I am quoting from the junior Senator from New Hampshire [Mr. HOLLIS] on Saturday in commenting on this bill.

The price to be fixed by the Government necessarily implies that some department or some Government official will decide that price. It will be the Secretary of Agriculture or he will delegate the power to some bureau or commission. In addition to that the President himself might be vested with the power or might undertake the purchase under the provisions of the bill by delegating it either to the Department of Agriculture or some other department. At any rate after a while it must get into the hands of some Government official. It can not be exercised practically in any other way. That is the material part of it with which I am concerned. Orders can be delivered to a Senator or a Member of the House of Representatives or any employee of the Government, to a railroad man, to a member of any labor union, to a State officer or municipal officer. They all can be reached by some kind of influence. They can be in some way compelled to or argued with so that they will yield some of their views. They will go on in the discharge of their duties in whatever official or private capacity they may be acting.

There is one thing that you can not do. You can not say to a farmer that he must produce grain or sell it at a fixed price to the Government and produce at the same time a full crop of food products in this country. I should like to see the Government try that, as all-powerful as the Government is supposed to be, either in peace or war. There were about 13,000,000 working on farms and about 6,500,000 farmers in the United States, in 1910, say. That would include the cotton raiser, the sugar plantation man, all the cereals, dairy, live stock, and every form of market and truck gardening in the United States, either owners, tenants, or help. They are all engaged together with the live-stock men in the production of some kind of food.

I do not want Congress to make a mistake, and especially the Senate to ask the farmer to produce a large crop, and then say in addition to that he must sell it at a price to be fixed by the Department of Agriculture or some other Government bureau.

Mr. PAGE. May I interrupt the Senator?

Mr. SHERMAN. Certainly.

Mr. PAGE. I wish the Senator to give the Committee on Agriculture all that is its due, because that committee is certainly guilty of enough without being charged with shortcomings of which it is not guilty.

The bill as it came from the House, House bill 4188, provided that—

The Secretary of Agriculture is authorized to require any person having at his disposal any such seeds, except the producer thereof, to furnish the whole or any part thereof to the Secretary of Agriculture in such quantities, at such times, and at such price as shall be determined by him to be reasonable.

I wish to say to the Senator from Illinois that that part of the bill was stricken out by the Senate Committee on Agriculture, and, so far as I know, there is now no authority in the bill before us to take by requisition any of the seeds to which the Senator has been referring.

Mr. SHERMAN. That is what I understand; but how are you going to get it?

Mr. PAGE. By purchase. The Government may purchase, for instance, its potatoes in Maine or it may purchase them in Vermont. I understand that there is to-day a combination in the Aroostook region of Maine which has forced the price of potatoes so high the farmers feel that it would be unsafe to buy them to plant at this time. But there are potatoes in other sections, and the Secretary of Agriculture or his agent, through his clearing-house system, ascertains where potatoes are cheapest, where they are of the best quality, and he can furnish them under this bill to those farmers who do not know to-day where to purchase them at reasonable figures. But there is no power to requisition, as I understand it, in the bill that is now before the Senate.

Mr. SHERMAN. That is what I understand in like manner. I have made the inquiry how the Government will find the potatoes or whatever other products are needed.

Mr. PAGE. By the appropriation granted by the bill and the clearing-house machinery organized under the appropriation.

Mr. SHERMAN. Where will they buy them?

Mr. PAGE. Wherever they can buy the best seed at the lowest price.

Mr. SHERMAN. Anybody can do that. The Government has no particular facilities for that purchase over anybody else.

Mr. PAGE. No; but others who buy may speculate upon the farmer's necessities in times like these with little regard for the needs of the farmer. It is supposed that the Secretary of Agriculture will be careful of those needs, and be particular to see that the farmer gets the best possible seed at the lowest possible price.

Mr. SHERMAN. Then the Government may just as well buy clothing. The farmer will need clothing this summer of a seasonable character and next winter. We may just as well control the wool supply. If the Government is going to undertake the paternal act on potatoes and seeds, then it had just as well burn its bridges behind it and go the limit on every human necessity. It can not be justified on that ground. I have never yet found the Government either as prompt, economical, or efficient as private enterprise.

This Government does not have anything but what it gets from the taxpayer to buy from the man who owns it. It must pay the market price or confiscate it in whole or in part. It is only by the exercise of the power of taxation that the Government has anything, and if it starts on seeds it might just as well finish up with shoes.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. SHERMAN. I do.

Mr. FALL. Is not the real objection to this item that it would be putting the Government in competition with the present seed houses and salesmen of the United States?

Mr. SHERMAN. No, sir; it is not. The Senator misconceives entirely the drift of my argument.

Mr. FALL. Then I misunderstood the Senator.

Mr. SHERMAN. It is not that it puts the Government in competition with the houses which are handling these seeds, because the houses may have a very limited supply this time of year. The real source of supply is not in the hands of the commission men. There may be some isolated cases, as in New England territory, but the source of supply is not in the hands of commission men in the great grain and food purchasing areas of the country. New England is not self-sustaining in food products. We must depend on some other more agricultural part of the United States. I do not know whether the arid and semiarid regions of the West and Southwest are entirely food sustaining in their production or not. It is more difficult to gain accurate information than it is from the great areas where the food products are found in the hands of the original producers.

Mr. FALL. I think if the Senator wants information he can get it. Heretofore my State of New Mexico has not been self-supporting in the matter of food products. As a matter of fact, only about 40 per cent of the food products used in the State are produced there. It is now trying to produce more. It is not asking financial assistance or help, but simply such assistance as can legitimately be rendered, so that it may become actually self-supporting. Of course, the Senator understands that it is more than self-supporting, because it furnishes copper and iron and coal which are used by the other States of the Union.

Mr. SHERMAN. Potatoes, wheat, corn, seed generally for seed purposes must be bought by the Government from somebody who has it. I shall not argue here against confiscating in the hands of the commission man or a seed house. That would be exceedingly popular in many places. It is possible the Senate would pass such a measure if that naked paragraph alone should be submitted to it. As to its validity or justice I do not care to say anything. But to say nothing of the precedent established, that would be only a portion of the supply needed for New England, the Western, and the Southwestern States. There will be a necessity for raising some products following on the general crop that will fail or partly fail by harvest time. We realize that, all of us. Anything that will promote filling that deficiency ought to be enacted. I have no criticism for anything of that kind, but the very remedy sought to be had by such a measure as this will defeat the end in view. Just as soon as it is known that the Government is taking from all the seed houses, from those who have any warehouses, anything fit for seeds, every original producer will keep what he has. You can not talk to me about what you are going to do with the farmer who raises it. Of all the sorghum, the millet, the corn, the wheat, the rye, the barley, and the whole list of cereals

that produce either forage for animals or food for man, the larger part will be found at last when you go to the country that produces it.

If you wish to establish a precedent here by legislation of going into the hands of the original producer and taking it away from him, I wish to say, with all deference to Senators from the arid and semiarid regions of the Southwest and from the largely nonagricultural region of New England, when you have done that I know the western farmer well enough to know that he will take his hand off the plow handle, and he will say, "You can conscript my son; that is the power of war; but you can not come into my field and tell me how to work and take my corn, potatoes, and wheat away from me." Try it if you want to, and see where you will get to.

Mr. FALL and Mr. PAGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield, and if so, to whom?

Mr. SHERMAN. I yield first to the Senator from New Mexico. He rose first.

Mr. FALL. At the close of the Senator's remarks I am going to ask to insert in the RECORD the speech of the Senator from Utah [Mr. Smoot] made on May 2 with reference to this matter, and which I think largely resulted in this proposed legislation. But I wish now to call the attention of the Senator to the fact that if the condition as set forth in that speech as to the present monopolies of the seed sales in the United States is not in some way broken, where the farmers and the gardeners can not get more than 8 peas to plant for 5 cents and 15 radish seeds to plant for 5 cents—if something is not done, as was said at that time, as is now attempted to be done, to break that monopoly, the farmers will take their hands off the plow handle in New Mexico and the arid West will do something to those who are monopolizing the seed products of the United States.

Mr. SHERMAN. I yield now to the Senator from Vermont.

Mr. PAGE. I simply wish to say to the Senator from Illinois that I would like to see some measure that may permit the Secretary of Agriculture or some agent to make requisition for seed, potatoes, and so forth; but I want to tell the Senator that so far as the bill that is before us now is concerned, and has been before the committee, the committee has not favored that kind of legislation, and that part of the bill, H. R. 4188, which provides for such requisition has been stricken out by the Committee on Agriculture and Forestry. I do not think it is quite proper for the Senator to accuse them of having reported a bill here when they have eliminated the very feature to which the Senator is particularly opposed.

Mr. SHERMAN. The Senator would be correct if he followed the argument I have made to its conclusion. I am not criticizing in this connection the committee's proposal to buy grain or seed. That, I understand, will be left until some future time, when it shall be amended, in the hands of the dealers, commission men, feed houses, or persons who have accumulated and stored, after the seeds have left the hands of the original producers. What I have undertaken to say, and I probably will find it necessary to repeat it, is that after you have taken all that seed you will have fallen far short of giving relief to the parts of the country needing and supposed to need it, under the explanations that are made here.

Mr. REED. Mr. President—

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

Mr. SHERMAN. I yield.

Mr. REED. I am interested in the statement made by the Senator from New Mexico [Mr. FALL] a moment ago in his colloquy with the Senator from Illinois, in which the Senator from New Mexico referred to the seed monopolists of the United States. I wish to ask the Senator from Illinois—for I will say by way of parenthesis I observe the Senator from New Mexico has just been called from the Chamber—whether he knows of any large quantity of seed that has been gathered together by any companies or individuals so that they can be said to have monopolized it. Does the Senator from Illinois know such to be the fact?

Mr. SHERMAN. I do not. If there were such a one, I believe that under existing law the Attorney General of the United States or the attorney general of the State in which it existed, if it did not go beyond the limit of the State, would have a complete remedy.

Mr. REED. Under the Sherman Act?

Mr. SHERMAN. Yes, sir.

Mr. REED. If the Senator will pardon me, a good many statements have been made here that I should like to see run down, or see their truth or their falsity shown. If it is true that men have gathered large quantities of seed so that they in fact are able to a considerable extent to control the market

or monopolize the market, I want to know that fact. I think the country ought to know it. I think the Department of Justice ought to know it. I think that very radical measures would be justifiable. But if such things do not exist, if there is nothing going on in the country except the usual performance of the seedsman who gets a little envelope and puts a lot of pretty pictures on the outside and very few seeds on the inside and sells them to the housewife who plants a little patch 6 or 8 feet square in the back lots of a town—if it is just that old system of petty larceny that has been going on by a certain class of seedsman for years, it is quite a different thing. I should like to get at the fact. The Senator from Illinois tells me that he can not give me any information about it. I should like to ask any other Senator here, if I may be permitted.

Mr. SHERMAN. I shall be glad to yield to any Senator who can furnish the desired information.

Mr. REED. I should like to be informed if any Senator here knows anyone who possesses a seed monopoly. If there is no such thing as a seed monopoly, we ought to quit talking about it; if there is a seed monopoly, it ought to be exposed. I thank the Senator for allowing me to interrupt him.

Mr. SHERMAN. Mr. President, the inquiry by the junior Senator from Missouri is in point and on a very material subject. I know of no seed monopoly. I know of a number of seed houses in the West and in the Northwest, especially one large one in Chicago, the Albert Dickinson Co., that has been in business for more than 40 years. I know some farther east, some of whom have been in business for 70 years. I know a certain place in an eastern State where many of the farmers in central and southern Illinois send for buckwheat seed. They had rather have that seed than what they raise on their own soil. Its price will be higher this year. That is not because anybody has cornered buckwheat, nor has the appetite increased for buckwheat cakes for future delivery. It is only in keeping with the general trend of events as to everything else. You had just as well go out and indict the men who have buckwheat or insist here in the Senate Chamber that there is a buckwheat monopoly.

If there is a seed monopoly, and it has violated any interstate-commerce law, and it can be reached by the Attorney General, I do not think there will be a voice raised in this Chamber against prosecuting them and imposing upon them the full penalty of the law. I believe I shall be within the limits to say that there is no seed monopoly. There are seed houses holding their products for about the same advance found in other kinds of merchandise, and that is about as far as you can trace it. Some of the largest houses do not proportionately advance prices. They encourage production.

It is true you can get eight peas for 5 cents in New Mexico, but I paid 25 cents for a drink of water in New Mexico one time, and that is the price of two martinis in the effete cities where such refreshments are abundant and accessible. You had just as well infer from that incident that the price of water ought to be regulated, and that the Government ought to go into the water-system business in New Mexico. There is not anything, when it is scarce, the price of which does not go up. New England does not raise enough foodstuffs to be self-supporting. It has been that way for a good many years—ever since men began to leave the New England farms and drift into the cities and since our industrial system has developed. That is not because you can not do it, but it is because you have nobody to produce the articles or to work the farms. That is the difficulty and it will continue for a long time. It will not be reached by any such fancied remedies as appropriating a few million dollars to buy seed. It is further back than that.

There is a lady up in my part of the town—not a member of my family, but who visits us occasionally—who is not complaining about the high prices of seed, but in her particular line of society there is wailing and gnashing of teeth because dog biscuits have gone up 20 cents a box. They are not a luxury; they are a necessity in canine society.

What the Senator from Missouri said about the petit larceny practice, with an alluring envelope, with a many-colored engraving on it of a very pleasant looking market gardener, rotund and well kept, taking his product to market, or a picture of something running up a pole, which is supposed to be a leguminous plant, and getting an extraordinary price for it, is nothing but what has been practiced for years.

I have a sort of an illuminating flash that likely this is because of the free-seed distribution that causes the annual debate in this body about its propriety. I voted to discontinue that, I think, not because it may not have some economic and food value but because it has yielded enough to the humor of the country. Let the editor rest; give the wits and spring poets a chance to recuperate. As a subject for legislative action, it

has long since ceased to be anything but a great national joke. I sent some cabbage seeds last year to one of my constituents. His good housewife planted them and raised a fine crop of jimson weeds. It is such things as that that shake the average farmer's belief in the processes of self-government. He is not thinking so much about defending this country against autocracy as he is about getting good cabbage seeds from a paternal Government next time.

I come back to the old question—with due apologies to the Senator from Vermont [Mr. PAGE]—and it may not be germane to this particular section, that after the supply of seeds in the hands of seed houses and dealers, including the local corner grocery store, shall have been exhausted, where will the Government get the rest of them? I think I know where the great bulk of the grain of this country is. That bulk is not in the hands to-day of commission men, of elevators, of alleged "infamous brokers," of members of grain exchanges—it is not in their hands, but it is in the hands of the original producers. If there were freight facilities in this country now, the food products of the country would reach the great centers of population. That lack of freight facilities is what is the matter. It will not be cured by appropriating a million or so of dollars or two and a half million dollars, if the entire sum be left in, simply to buy seeds.

To begin with, the Government must store the seeds. I can take many of the experts out of the Agricultural Department—hit or miss—and they can not tell me on the floor of the Senate Chamber this afternoon what seeds they can buy and store and hold open that will sprout the spring of 1918, and those that are perennial and can be kept year after year. Some seeds die within the year; they will not germinate if they are carried over. Some seeds are good indefinitely, so long as they are kept dry. Seed wheat, if it is kept in a proper place, and insects—weevils and the like—are kept away from it, will germinate a thousand years after it is stored. Wheat originally came from the Nile. Senators will remember the old story of the Pyramids; how somebody, examining one of the mummies, found a little vessel full of wheat that was to furnish him rations on his journey to the next world. Out of curiosity the Englishman took a few grains of wheat to his home with him. This belonged to a dynasty in Egyptian history when the cuneiform inscriptions were written, more than 4,000 years before the wheat was deposited in that vessel. The Englishman planted it, and it grew and produced "after its kind."

There are other kinds of grain that after the first season are utterly worthless for seed purposes; they will not germinate. As an illustration, you have got to take the timothy seed in its prime. If you want to raise a crop of forage of that form, after the second year, while some of the seed will germinate, it will not be in sufficient quantity; it begins to lose its germinating power the second year.

After all this is done, after the seed has been confiscated in the hands of the seedsmen and those who have stored it—if there is any monopoly get after them—after that has been done, you go finally to the producer to get grain. How much of a remedy will you find when you approach the producer? How will you make him sell it? Assume, now, that the war power exists, and you can make him sell a surplus of 50 bushels or 5,000 bushels that he has in his bins. Winter wheat must generally be used in the neighborhood of somewhere near the same latitude where it is grown. Winter wheat being sowed in the fall of the year, it does not do well to take winter wheat from Kentucky and put it in northern Illinois, for it does not produce well there, and you are apt to have a failure of the crop. Wheat must acclimatize itself. So we always take wheat out of the same latitude, or approximately within a degree or a degree and one-half of latitude to sow in that particular wheat field.

After you have taken the seed away from the producer, under the war power, what will you do next? You will store it and keep it. This year's crop, except only a very limited quantity of forage grains, is in the ground, or it is too late for the Government to buy seed and get it to the producer. If the Government does not move with more celerity than it ordinarily does, it might be well enough to give a small appropriation this year, and it might possibly get to it by next spring—a year from now. That would be as fast as we could expect anything to be done in the name of the Government. Possibly there would be some value in that for future purposes; but so far as the great areas for producing food for the Southwest, for New England, and for the great centers of population are involved in this controversy, the time has passed. The forage crops largely of northern Oklahoma, though not to such an extent, but almost entirely of Kansas, Missouri, Nebraska, Illinois, and a very large portion of Wisconsin have been killed. Last winter was of extraordinary severity. The forage crops that are perennial in char-

acter will be very short. The alfalfa is dead; the clover has been frozen out; the timothy crop will not be half a crop; the red-top crop is dead. To get any seed to farmers on those areas by this appropriation is a piece of supernal folly; it can not be done.

There is only one thing left, and that is for farmers to sow something else in place of the crops of forage that have been killed. They can substitute cowpeas and certain other crops, but the cowpeas wherever they can be used are already found in sufficient quantity to furnish the farmer who wants to substitute that kind of forage.

There is the corn crop, which is the great crop of Nebraska and of the region reaching all the way from the alkali plains on the foothills of the Rocky Mountains to the slopes of the Alleghenies on the east. That is the corn-producing area, 1,200 miles from east to west, and 800 miles, roughly speaking, from north to south. Corn must take the place of a large quantity of failed forage and other crops to care for the animals, not only those used in farming operations, but those producing the meat for the country. There is nothing in this bill which would do any good as to that crop. Seed corn is not a scarce article. All over the great corn belt, in the whole area of its growth, there is enough seed corn; there is no dearth of it, requiring extraordinary action by the Government or the exercise of war powers. What we need to exercise more than anything else is some power over the War Department, the Agricultural Department, the Navy Department, and the Department of Commerce, together with the Council of National Defense, so that there will not be quite so much misspent energy and so much danger of discouraging or lessening the productive power of the farmer in the areas I am describing.

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. SHERMAN. Yes, sir.

Mr. TOWNSEND. I have not been able to be present while this bill was under discussion, owing to meetings of the Finance Committee, of which I am a member, and so I am not familiar with the reasons that have been put forth for the passage of a bill requiring the purchase and storing of seed by the Government. Has any Senator on the floor presented any case where there was a lack of opportunity to purchase seed in the States?

Mr. SHERMAN. There have been general statements that seeds could not be obtained, and I think the Senator from New Mexico [Mr. FALL] stated that it was extremely difficult to obtain certain seeds needed in certain parts of the arid and semiarid regions in the Southwestern States.

Mr. TOWNSEND. I understand that in those sections of the country they do not raise a sufficient amount of foodstuffs for their own use, that they always have to purchase seed from the outside; but what I was wondering was whether there has been shown in this debate a lack of seed material throughout the United States and inability to obtain that seed.

Mr. SHERMAN. I think not.

Mr. TOWNSEND. I wish to state this, inasmuch as the question has been brought up several times—

Mr. SHERMAN. If the Senator will allow me for just a moment, the Senator from Vermont [Mr. PAGE] called attention to the shortage of seed potatoes in certain parts of New England, and stated that those who had the seed potatoes were holding them for prices that were prohibitive. That is the only specific illustration I recall.

Mr. TOWNSEND. Reference has been made several times here this afternoon while I have been in the Chamber to seed houses and to the fact that possibly those seed houses were playing a "confidence game" upon the people. My attention was called to that matter by a speech delivered in the Senate, I think, by the Senator from Utah some time ago, in which he referred to the fact that packages of seed which were sent out by some of the seed houses were in the nature of a snare and a delusion; that the seeds were not there. Now, there is a very large seed concern in the metropolis of the Senator's State, as there is in Detroit, Mich.—the Ferry Seed Co. I think it is universally conceded that the Ferry Seed Co., at least, has not taken advantage of the higher prices of seed to diminish the number of seeds in the packages. I received the other day from one of the local dealers a package of peas put up by the D. M. Ferry Co.—and that was the character of seeds to which the Senator referred—and, instead of having eight peas in it, it was literally packed with peas that were useful and were known to be good for productive quality.

I do not care so much about that, however, as I do to call attention to the fact that in the State of Michigan we have an organization, through one of the departments of the State,

which is looking after the seed question for all of our people. A census has been taken, or is being taken, in the State not only of all of the people who live there, but of all their property, including grains and seeds of all kinds. So our people know where the seeds are, and they have no difficulty in obtaining them for their own use, and in obtaining them in large quantities for shipment elsewhere if people outside of the State desire them. My question, therefore, was for the purpose of determining what was the cause of this demand at this time that the Government shall go into the seed business if the wants of the people can now be supplied from the usual sources.

Mr. SHERMAN. Mr. President, the charge has been made quite frequently that there was a seed monopoly. The junior Senator from Missouri [Mr. REED] made inquiry specifically whether any Senator could give information on that point. An appropriate interval was given in the Senate Chamber, but no one responded. I take it that there is no such thing as a seed monopoly in the United States. There is a rise in prices, evidently. It would be phenomenal if that were not so, because everything else has risen in price.

There is a very large seed house—more than one, for that matter, but a very large one particularly—the Albert Dickinson Co., in Chicago, which I remember 40 years ago. There is no extortion practiced by that house, any more than by D. M. Ferry Co., of Detroit. They have been in business, like the Ferry Co., for many years, and they expect to continue in business. They always sell at a reasonable price, and, so far as I am informed, up to within a week ago the house in Chicago was filling every order for seeds that came in.

Mr. REED. Mr. President—

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

Mr. SHERMAN. Yes, sir; I yield.

Mr. REED. If it will not interrupt the Senator, since the Senator has made the statement that other prices than those of foodstuffs have advanced, and as I made a somewhat similar statement myself a day or two ago, in illustration of the advance in prices, I should like to call attention to a circular which the receiver of the Missouri Pacific Railway Co. has sent to the employees of the road under date of May 15, 1917. In this circular the receiver, Mr. Bush, appeals to all the employees to exercise every possible economy and to save in every way they can, because of the very high prices being exacted for those things the railroad needs to use. I think the statement is illuminating at this point.

Mr. SHERMAN. I will be glad to have it.

Mr. REED. I desire to put the entire circular in the Record, with the permission of the Senator—

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

Mr. REED. But I desire to read and to call attention to this statement:

Prices continue to advance at an alarming rate. Note prices prevailing to-day compared with prewar prices:

Material and supplies, chargeable to operation, excepting rail, ties, fuel, and ballast, in 1916 cost approximately \$8,000,000.

The same material and supplies at current market prices would cost approximately \$12,000,000—50 per cent increase.

Stationery alone, in 1916, cost approximately \$452,000.

Same amount of stationery, at current market prices, would cost approximately \$746,000—65 per cent increase.

Some of the items are given. I will read a few of them and give the percentage of increase:

	Per cent increase.
Axles, car and engine	268
Babbitt metal No. 2	166
Bars, angle	83
Bolsters, car and engine	134
Bolts, track	191
Boxes, journal	108
Brake beams	185
Brass, bar, sheet, spring	182
Bridge steel	167
Castings:	
Malleable	203
Brass	133
Steel	125
Gray iron	57
Cement	82
Chain	181
Copper, bar and sheet	145
Covering, pipe	192
Couplers, engine and car	100
Duck, cotton	39
Fencing, wire	112
Ferrules, flue	184
Flues, boiler	257
Frogs, track	60
Fuses	110
Gasoline	47
Glass, window	54
Hose, air brake	67

	Per cent increase.
Iron:	
Common bar	153
Galvanized	153
Black sheet	167
Stay bolt	23
Lagging, boiler	317

I shall not read the rest of it, but the figures all through tell the same story. If that is true with reference to these various articles, which have nothing to do with food, nothing to do with wheat or wheat corners, but are for the most part made out of things that exist in the earth, where nature's supply is inexhaustible—iron, copper, lead, and lumber, which, while it is not inexhaustible, the supply is far from exhausted yet—is it not a complete answer to the cry that foodstuffs are cornered, and does it not show that there is a general advance in prices at least in this country?

Mr. SHERMAN. The Senator has already asked to have a certain table inserted in the Record.

Mr. REED. Yes.

Mr. SHERMAN. I shall be glad to have it done, if no objection is made.

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

Per cent of increase in costs compared with prewar prices.

MATERIAL AND SUPPLIES.	Per cent increase.
Axles, car and engine	268
Babbitt metal, No. 2	166
Bars, angle	83
Bolsters, car and engine	134
Bolts, track	191
Boxes, journal	108
Brake beams	185
Brass, bar, sheet, spring	182
Bridge steel	167
Castings:	
Malleable	203
Brass	133
Steel	125
Gray iron	57
Cement	82
Chain	181
Copper, bar and sheet	145
Covering, pipe	192
Couplers, engine and car	100
Duck, cotton	39
Fencing, wire	112
Ferrules, flue	184
Flues, boiler	257
Frogs, track	60
Fuses	110
Gasoline	47
Glass, window	54
Hose, air-brake	67
Iron:	
Common bar	153
Galvanized	153
Black sheet	167
Stay bolt	23
Lagging, boiler	317
Lead, pig and sheet	148
Nails, wire	94
Pins, crank	104
Pipe:	
Wrought-iron	147
Galvanized	120
Rivets	197
Rods, piston	132
Roofs, metal car	152
Rope:	
Manila	113
Wire	130
Shovels	55
Spikes, track	155
Springs:	
Car, freight	227
Locomotive	169
Steel:	
Boiler and fire box	326
Tank plate	445
Tool, high speed	355
Tie plates	120
Tires, locomotive	133
Waste:	
Cotton	77
Wool	36
Wheels, steel	84

Equipment.			
Item.	Cost April, 1914.	Cost April, 1917.	Per cent increase.
Passenger coach	\$13,500	\$21,000	56
Chair car	14,000	21,750	55
General service gondola 50-ton, 36 feet, steel underframe	1,075	2,155	100
Box car, 40-ton, 40 feet, steel underframe	1,050	2,150	105
Mikado engine	21,000	55,000	162
Santa Fe type engines	29,000	65,000	124
Pacific type engines	20,500	53,000	159

Mr. PAGE. Mr. President, as the matter of seed has been referred to, perhaps I may say that I am conversant with the course of business in seeds, because I am a large purchaser from the Dickinson firm of Chicago. I think their business is materially different from that of Ferry & Co., of Detroit, who sell quite largely—perhaps not entirely—in the little packages that are sold around the country.

Mr. SHERMAN. For market gardening more particularly. The Dickinson Co. handle field seeds.

Mr. PAGE. Yes; but the firm of Dickinson & Co. are very large handlers of seed in large quantities. I believe they are a very honorable concern, and I have not the slightest doubt that they are selling their seeds at a fair, and only a fair, profit. I believe, however, that their dealings are so large that in some respects they are controlling. In other words, if Dickinson & Co. make the price of seed in Chicago \$3 per hundred, practically all the other concerns dealing in seeds meet that price. Now, I do not think I should do right in saying that in any respect they are monopolists, for I do not think they are, nor am I criticizing them, because I have great respect for the firm; but I believe that they are so large, as the Senator knows, that their prices are followed quite largely by the large seed concerns of the other sections of the country.

Mr. SHERMAN. It is only by sympathy, Mr. President, that other concerns would follow, out of prudence. The house is an old one in the western country. I remember when Albert Dickinson & Co. were doing business as a copartnership. The house was founded by Albert Dickinson. After his death, possibly before, it was incorporated, and is now the Albert Dickinson Co. They not only do not have anything approaching a monopoly but there are a hundred seed houses, some of them I think in volume quite equal to the one named.

There is this much of the element of influence on monopoly, the same that goes along with every old, well-established house that has dealt fairly with its customers for nearly half a century—that like a copyright or like a trade-mark or a name, if it possesses no exclusive qualities by law, a name built up by honorable dealings through a long course of years will always possess influence not only among the purchasers of their products but all who are dealing in a like product will necessarily conform to the prices and the methods of doing business of this concern. Now, beyond that I do not think the particular house in question exerts any influence, and I am certain none that could be in contravention of any laws against trade restraints or against monopolies. Its influence is a good one rather than otherwise.

I come back to the original question, and I think it is directly related to this paragraph—that at last the Government must buy of the producer; and that is the question which at last we must solve in the Senate. I have heard no satisfactory solution of that problem offered. That is the reason I referred to the statement made last Saturday in the address by the very capable junior Senator from New Hampshire [Mr. HOLLIS]. He realizes the difficulties as the rest of us do. He calls attention to the high price of food in the cities. That is inevitable. It will continue as long as certain conditions attending production continue. I know the reason. It will not be cured by legislation. Just as long as the industrial enterprises of the country draw the help from the farm, that will continue.

It seems a little bit amusing, to a man who knows conditions in the western and northwestern grain and stock-raising areas, to talk about conscripting the city man and sending him out into the fields to raise grain, and in the grazing country and dairy country to milk cows and feed steers and attend to the ordinary incidents of live-stock production. I instance one man in Illinois who is a farmer and stock raiser—he, his father, and grandfather before him. Now, he and some very philanthropic people in Chicago heeded the cry that farm help was short. They had been reading glowing articles in periodicals about the "back-to-the-farm" movement; and a lot of good people in Chicago who have leisure time and some money were engaged in a philanthropic movement to direct some of this misspent energy out to the farm, where it might do some good and make a greater food supply for the famishing hordes in Chicago that the Senator from New Hampshire referred to on Saturday.

They came out, and thereby hangeth a tale. They stayed about two months, and then the city dweller hid him back to Chicago, with the statement, one of them who spoke for the crowd, "Never again for him."

First, Mr. President, you could not get them up in the morning for a farmer's breakfast. Then one of them went out across the road and inquired of a farmer plowing in the adjoining field where he could find a restaurant. Another inquired for a daily paper; and yet another, when he had finished a very reason-

able day's work from a farmer's viewpoint, asked if there were any moving-picture shows in the vicinity that could be reached by a night ride. What is needed is somebody who knows how and will work. The tribe is dying out.

That is what is the matter with the dweller in the city. His habits are not like ours out in the country. He works union hours. I wish some old, hard-headed farmer could get over in the Department of Agriculture here, or in some of the other departments headed by other members of the Cabinet. I wish he could talk to the union-labor members of the National Defense Council. You undertake to raise crops on an 8-hour-a-day basis and find out how far you will get with it. You undertake to raise crops by a city man who is not country broken to work and find out how far you travel in that direction. That is a story by itself. I only allude to it. It is a subject for a whole afternoon, because it has taken 50 years for that condition to grow, and it could only be sketched in its merest details in human language by appropriating a whole afternoon to it on the floor of the Senate Chamber; but it exists.

You can legislate about free seeds and about Government seed houses indefinitely, and it will not cure the underlying condition that has produced the high prices. It is not war alone. War is only a contributing cause. It is because the help has gone from the farm; it has gone to the factory, to the counting house, to the store, to the great manufacturing, jobbing, and retail centers of the country. These men have gone because they like the work and get higher wages and shorter hours. They have more amusements. City life is more attractive to the average young person. The result is that the farm is drained.

What do you want to do now? Conscript the farmer, conscript his boys off the farm, and go by the arm of the Federal Government into the grain bin and confiscate everything he has raised. I want to serve due and timely warning upon Congress now that when you undertake that you will hear something that will be more than a mere pining infant cry or a ground swell in some particular locality.

Mr. REED. Mr. President—

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

Mr. SHERMAN. Yes, sir; I yield.

Mr. REED. Can not the Senator, who speaks so eloquently about conscripting the farmer's boy and taking him away, see that that is all to be made up to the farmer by conscripting one of these town fellows that wants to see moving pictures and taking him out to the farm to work there?

Mr. SHERMAN. Well, Mr. President, theoretically no doubt, as the Senator will agree with me, that is adequate compensation; but some of these same people I am talking about that went to the farm named could not milk a cow. They did not know a cow's udder from any other portion of her anatomy; and after one of them was switched in the eyes he was hors de combat that evening for all dairying and farm-work purposes. If he does not fight any better than he milks cows, the Kaiser will rule in this land before the end of the war.

Mr. REED. Mr. President, coming to a serious matter, I am concerned about the size of this appropriation for seeds. Two million five hundred thousand dollars, I believe, is recommended, and I am wondering how it is proposed to spend it.

Last year we put in, in this country, 106,000,000 acres of corn, 52,000,000 acres of wheat, 40,000,000 acres of oats, 3,000,000 acres of rye, and 7,000,000 acres of barley. If wheat costs \$2 a bushel, it will take about \$4 worth of wheat to sow an acre. If you expended the whole sum of this appropriation for seed wheat, you would sow 1 acre out of 41 that is now sown to wheat. How is this \$2,500,000 to be spread out so that it will be thin enough to reach all parts of the country? In a word, is it not an absolutely ridiculous and absurd proposition to appropriate \$2,500,000 to buy seeds of all kinds for a country like the United States? Is it not like going out to water a thousand head of cattle with a quart cup?

Mr. SHERMAN. It certainly is, Mr. President. I do not think the magnitude of the undertaking is at all appreciated by those who are responsible for this section of the bill.

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

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

Mr. SHERMAN. I yield; certainly.

Mr. McKELLAR. From what I could understand from the explanation that has been made in favor of it, quite a large amount of it is to be used in organization. Now, just what "organization" means, unless it is putting a lot of additional men on the pay roll, I do not know; but I think that is one explanation of the size of the appropriation—that we are to "organize" so as to buy these seed and store them.

Mr. SHERMAN. The Senator has placed his finger on the vital spot of the "organization." It is a pay roll. That is what it will be here. There will be more men on the pay roll, speaking figuratively, than there will be individual seeds furnished to the producer. It is the same old story.

The question recurs of how to get the seed out of the hands of the producer. It will all come back to that; and the House bill, which I suppose is the same bill reported here a moment ago, realizes that difficulty. Either the legal obstacle or the economic obstacle is sought to be avoided by exempting the producers from the operation of the bill. You may conscript or confiscate it, if you want to, take it away with a grossly inadequate price from the farmer after he has put it in the crib or the bin. Concede under war powers, for the purposes of the argument, that that can be done. I will argue that some other day if it becomes necessary. After you have done that once to a farmer, I venture to say you will never do it again to a farmer that lives in my State. You may undertake to, but he will have raised enough to feed his own family and his efforts will cease at that point. If you make him do anything else, you will conscript him into the Army and turn him into a farmer instead of a soldier.

That is one thing that will be indispensable if we obtain sufficient supplies to carry out the avowed object of this section. The inquiry made by the junior Senator from Missouri [Mr. REED] disposes of the practical end of it with \$2,500,000. It is a drop in the bucket—hardly that. It does not even make a damp place.

I apprehend that the only purpose of this would be, as the Senator suggested, to put a number of people on the pay roll. If I had to make further specific objection to an undertaking of this kind it would be that that kind of an organization is the only thing that will bear any fruit.

Let me call attention to some things that are being done now under the guise of war powers, under the plea of necessity. Anything can be done under an imperious plea of that nature. The Council of National Defense has so arranged transportation and the delivery of certain products that a farmer to-day can not buy, in all the destroyed area of the winter-wheat country of the West, the machine he needs to seed the ground in corn. There is an implement called a lister that is used to plant corn. It is a breaking plow and a corn planter combined. They sell at \$65 ordinarily, and could be sold at that if one were found in an agricultural implement dealer's shed, or if they could be put out by the manufacturer. In all this destroyed area where the wheat is winterkilled there is one paying crop that will come in within the next 90 to 120 days as a part of the grain supply. That is the corn. Corn is worth many things as a food article. One hundred and five merchantable products are made from corn. I referred to the great area a while ago. I have been told by authorities, not from the Agricultural Department, but those who are connected with the great agricultural implement houses of the country, that in the case of the winter-wheat area in Kansas, the greater part of Missouri, Nebraska, and Illinois, at least one-half the area must be plowed up or devoted to some other crop. The Council of National Defense have so interfered with the producing capacity of the great agricultural-implement factories of my country that they are unable to sell sufficient machines of the kind needed to seed the destroyed winter-wheat area in corn. That is the first visible result of the misguided activities of some of these legal or extra-legal bodies that are attempting to prepare this country for a mighty war.

I would a great deal rather not make any of these criticisms; but if we are to avoid similar mistakes in the future we must tell about it. Instead of being able to produce the grain, every time we enlarge a governmental activity, every time we undertake to do something, one department invades the territory of another and duplicates the work, and both of them or all of them interfere with the productive capacity of the country.

I have heard a phrase repeated many times on the floor of the Senate since the 2d day of April last until I am tired of hearing it. It is that "the Government must coordinate its activities," when we have been coordinating our activities until we have literally exhausted our energies in coordinating ourselves.

The more we coordinate our activities the less capable we become, and this Government has so coordinated its activities that when I think of it it reminds me of a man with an attack of St. Vitus's dance. The only thing that always emerges serene, triumphant, and indestructible from "coordinating" is an appropriation and a pay roll. There has not been one great productive energy of this country, from the farmer clear through to the manufacturer, who has not been disabled and his ability to produce impaired by the ill-conceived efforts of governmental departments. Let it be continued for 30 days more, or con-

tinued for 6 months—30 days will begin to produce the results, and 6 months will produce more of them—and not only will there be a cessation of the normal volume of production, but along with the revenue bill pending, as it passed the House, unless it be materially amended in this body, there will be such a burden to carry with these interferences with the normal activities of industrial life that we will not be able to command in war 50 per cent of the energies of this Republic that we had before the declaration passed this body.

There is another branch of this which I wish, in due time, to comment upon that will more properly come in the succeeding paragraph, carrying operations for other purposes of an educational and farm-demonstration character. When we get to that I have some remarks, if time permits, which I desire to offer. I think they are very material, but I wish here to place on record my protest against the unwarrantable interference, the lack of coordination, the chaotic condition, and the insuperable obstacles placed in the way of the producer of anything in private life. Heap upon him the implied threat there is in this bill that at last you must go to the producer of seeds and take, by fixing a minimum price by governmental action, all he has; and avow that this early, and see whether or not it increases production. It is only a symptom of the general disease. It seems like we are in a form of confiscating hysteria.

Whether or not we ought to be governed by martial law, I shall not now discuss. I have my own opinion about it. I think we still ought to be governed by ordinary conditions and the civil administration under the laws of our country. If it becomes necessary, on a given state of facts, martial law may be declared by the Executive. Until that is done we had better let the private citizen go along, interfering with him as little as possible.

Here are these men at the heads of departments. Are they all-wise or omniscient? On the Council of National Defense are a number of gentlemen who are experts in their line. Nobody knows any more about some one thing than they do. One knows all about automobiles; another knows all about electricity; another knows all about ores, and especially about iron and steel, and so on through the list. They are a good deal like specialists, expert doctors, and just like expert lawyers or specialists in some other line. We all have had the same experience with them. If you want to get good results, you had better watch an expert closer, you had better be more vigilant in getting what you want, than with anybody else under the sun. The expert or specialist cuts a deep but an exceedingly narrow groove, and he never sees anything beyond the horizon of his particular line of effort.

We have a national council of experts. What are they doing? The very best they can. They are making sacrifices. They are men highly paid in private life. They are working either for no salary at all or inadequate salaries, compared with private incomes. I do not question their motives. What I do question is that unless "we coordinate our activities"—to use the pet phrase—in a better and more sensible way than we have done up to this time, I would rather be hit in the head with a policeman's billy than have my activities coordinated by such a body and in such a way.

The only reason why I offer these criticisms in connection with this paragraph is because it is a symptom, as I suggested, of the general disease. I know that everybody who raises his hand against legislation of this kind will be immediately stigmatized as an enemy of food control. It will be said that he is fighting a decrease in the high cost of living.

I am taking that chance. There is more ridiculous misinformation sent abroad on this subject than anything I ever saw. I saw a few days ago a statement that in a given time there were only 200 tons of garbage collected in Chicago where in the same time preceding 500 tons had been collected. It was argued at once that the people in Chicago were eating the other 300 tons of garbage and that the times were very hard indeed. The Senator from New Hampshire [Mr. HOLLIS] quoted the statement, which is the same one I saw, that 1,500 more people had died in a given period of time than in a like time preceding it. Therefore the 300 tons of garbage consumed by Chicago citizens, at least impliedly from what he said, caused their death. First, the mere fact of 1,500 people dying in Chicago within a given time more than at some other like preceding time would only indicate that down in the Loop district there were more activities of the gentlemen who live by their wits prowling about than some other given period, or that there had been more than the normal number of riots.

What can be said about the decrease in 300 tons of garbage? I have heard that mentioned several times in private conversation and impliedly here in several arguments. I think that indi-

cates a very great improvement in the economical condition of Chicago. There were 300 tons less garbage. What became of it? It did not get into the garbage cans. Then what happened? What became of it if it did not get into the garbage cans? They ate it, certainly, and they ought to eat it. They ought to eat it in Washington. They ought to eat it in New York, and everywhere else.

I think I have investigated everything around this city like every countryman does, out of pure curiosity, if for nothing else. I have gone down the alleys in Washington in the morning and looked at garbage cans. I have seen whole loaves of bread go into garbage cans in the city of Washington. I have seen the same thing in Chicago. I have seen beef by the pound after pound going into the cans. I have seen a half chicken, I have seen cold potatoes by the ton, more or less, that have gone into the garbage cans. Do you know the reason why there were 300 tons less of garbage in Chicago at the time named? It is because the housewife in the stress of affairs has gone into the kitchen and the servants and hired help are doing less wasting of provisions in that family than they did before. This is practical food conservation. It ought to be done all the time.

Mr. CALDER. Now that the Senator has arrived at that conclusion in his remarks, I will state that I am informed that in the city of Rochester, which is the third largest city in New York State, where the city owns the garbage-disposal plant, last year it returned to the city treasury a profit of \$4,000 a month, while for the first five months of this year, because of the care of the housekeepers or the housewives of that city, the disposal plant has hardly paid for itself. I am also informed that the same condition prevails in the city of New York.

Mr. SHERMAN. The Senator's statement is valuable. It lends strength to the suggestions I am making. The subject of potatoes would have something to do with the decrease in the garbage. In the northwestern part of the town they had some kind of school exercises in a public school a month ago and they had the little child's story Cinderella acted. Of course, she not only had to have the crystal slipper, but she had to have a string of pearls around her neck. In lieu of pearls some keen-witted schoolgirl thought of using a string of potatoes, which took the place of pearls of great price. I can get more lemons for a nickel at my grocery than I can get onions.

The housewife has gone into the kitchen. There are no cold potatoes thrown away and going to waste. The theory of the boarding-house mistress of 40 years ago, when I lived in a boarding house, was about right. The boys used to pass over the potatoes when they were boiled with the skins on. A fellow would shake his head and say, "No; not any potatoes to-day." Another would say, "You might just as well eat one; you have got to eat it some time anyhow; better take it while it is fresh." If you did not eat it that way, you would eat it when it was fried. If you did not eat it when it was a mashed potato, you ate it as potato cake the next morning. If you did not eat the beef the day it was boiled or roasted, you would eat it sometime in the future more or less remote in the form of hash and onions. But we were just as healthy on the boarding-house diet as we are now on the diet in Washington.

It is all the rankest kind of folly for us to talk about making successful war on Germany on the basis we have been living for the last 15 or 20 years. Germany, with over 70,000,000, with her naturally less fertile soil than ours and inhospitable climate the greater part of the year, will defeat us in the economical side of this question unless we change our habits, nationally, of living. We are the great prodigals of the world, the spendthrifts of the centuries, and we have been for years. We can not pit ourselves against the limited resources even of Germany, with her conservation and her economy, and expect to win. We must begin in the housewife's kitchen, and the first encouraging sign I have seen is the fact that there were 300 tons less garbage in Chicago, New York, and Rochester than there were in a like period preceding it. We must continue that.

There is no danger of famine in this country if we live as we ought to live. If we live in the old free-handed, spendthrift way, we are headed for trouble. Consider the tremendous price to be paid in this war, whatever it shall be, when the toll of blood shall have been taken, when the taxgatherers shall have visited us in our generation for the rest of our lives and we bequeath a mighty debt to posterity; when all that is done we can set off on the other side of it that, if we have learned the first great lesson in economy and of living so as to get a hundred cents of value out of things that the God of nature has given us at the beginning, we have something to compensate for the great sacrifices we have made.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The question is on the amendment of the Senator from Tennessee [Mr. McKellar].

Mr. HITCHCOCK. I should like to have it stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 5 it is proposed to strike out the paragraph contained in lines 17, 18, 19, 20, and 21:

For procuring, storing, and furnishing seeds, etc., \$2,500,000.

Mr. McKELLAR. Mr. President, I ask unanimous consent to withdraw for the present my amendment for the purpose of offering the following amendment to the paragraph: To strike out, on page 5, line 18, all the words after the word "act," and then all of lines 19, 20, and 21.

Mr. KENYON. The Senator wants to exclude from his amendment the appropriation of \$2,500,000.

Mr. McKELLAR. For the present I will exclude the appropriation of \$2,500,000. That is my first amendment. I ask unanimous consent to withdraw my former amendment.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent to withdraw his amendment to strike out lines 17, 18, 19, 20, and 21. Is there objection? The Chair hears none and the amendment is withdrawn.

Mr. McKELLAR. I now move to strike out all the words in line 18 after the word "act" and all of lines 19 and 20, and all of line 21 down to the figures "\$2,500,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the paragraph so as to read:

For procuring, storing, and furnishing seeds, as authorized by section 2 of this act, \$2,500,000.

Mr. GORE. I will state, as chairman of the committee, the committee agreed on that amendment this morning in the House bill which was before it. I hope therefore the amendment will be adopted.

The amendment to the amendment was agreed to.

Mr. FALL. For information I should like to have the paragraph read as it stands.

The Secretary read as follows:

For procuring, storing, and furnishing seeds, as authorized by section 2 of this act, \$2,500,000.

Mr. McKELLAR. I now move to strike out, in line 21, on page 5, the figures "\$2,500,000" and to insert in lieu thereof "\$1,000,000"; and on that motion I ask for the yeas and nays.

Mr. VARDAMAN. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In line 21, strike out "\$2,500,000" and insert "\$1,000,000."

The PRESIDING OFFICER. On agreeing to this amendment the Senator from Tennessee asks for the yeas and nays.

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

Mr. KNOX (when his name was called). I am paired with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Indiana [Mr. NEW] and vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN], who is absent, to the Senator from Kansas [Mr. THOMPSON] and vote "nay."

Mr. HARDWICK. Has the Senator from Kansas [Mr. CURTIS] voted?

The PRESIDING OFFICER. He has not.

Mr. HARDWICK. I have a pair with that Senator, and withhold my vote.

Mr. JAMES. Has the junior Senator from Massachusetts [Mr. WEEKS] voted?

The PRESIDING OFFICER. He has not.

Mr. JAMES. I have a pair with that Senator, which I transfer to the Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. OVERMAN. In the absence of the Senator from Wyoming [Mr. WARREN], with whom I am paired, I withhold my vote.

Mr. COLT. I have a general pair with the senior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this question. I vote "nay."

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH], and in his absence I withhold my vote.

Mr. GERRY. I have been requested to announce that the Senator from California [Mr. PHELAN] and the Senator from Ohio [Mr. POMERENE] are detained on official business.

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

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from New Hampshire [Mr. GALLINGER] with the Senator from New Jersey [Mr. HUGHES];

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

The Senator from Maine [Mr. HALE] with the Senator from Utah [Mr. KING]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 18, nays 36, as follows:

YEAS—18.

Calder	Kellogg	Penrose	Townsend
Hitchcock	Knox	Sherman	Walsh
James	Lodge	Smoot	Watson
Johnson, Cal.	McCumber	Sterling	
Jones, Wash.	McKellar	Stone	

NAYS—36.

Bankhead	France	Myers	Simmons
Beckham	Gerry	Newlands	Smith, Ariz.
Borah	Gore	Page	Smith, Ga.
Brady	Hollis	Pittman	Sutherland
Broussard	Husting	Polindexter	Swanson
Colt	Jones, N. Mex.	Ransdell	Trammell
Culberson	Kenyon	Robinson	Vardaman
Fall	Kirby	Shafroth	Williams
Fletcher	La Follette	Sheppard	Wolcott

NOT VOTING—41.

Ashurst	Hale	New	Smith, S. C.
Brandeggee	Harding	Norris	Thomas
Chamberlain	Hardwick	Overman	Thompson
Cummins	Hughes	Owen	Tillman
Curtis	Johnson, S. Dak.	Phelan	Underwood
Dillingham	Kendrick	Pomerene	Wadsworth
Fernald	King	Reed	Warren
Frelinghuysen	Lewis	Saulsbury	Weeks
Gallinger	McLean	Shields	
Goff	Martin	Smith, Md.	
Gronna	Nelson	Smith, Mich.	

So Mr. McKELLAR's amendment was rejected.

The next amendment of the Committee on Agriculture and Forestry was, on page 5, line 25, to strike out "\$4,500,000" and insert "\$3,000,000," so as to read:

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, \$3,000,000.

Mr. SMOOT. Mr. President, I should like to have the attention of the Senator from Georgia [Mr. SMITH]. The pending amendment before the Senate, in the paragraph on page beginning with line 22 and ending with line 25, is to strike out "\$4,500,000" and insert "\$3,000,000." It is an appropriation for increasing the food production and eliminating waste and promoting the conservation of food by educational and demonstrational methods. I wish to ask the Senator from Georgia if the appropriation that has already been made for demonstration work is not sufficient for carrying on this work in all parts of the United States?

Mr. SMITH of Georgia. The appropriation made in the agricultural college extension bill increases gradually until 1922, but the Department of Agriculture felt that this proposed increased appropriation used for this year would enable the department to bring returns and be of substantial service in view of the exigency which is at this time upon the country. It was the desire of the department to have, as the Senator will see, a larger appropriation than the committee gave. The figures \$4,500,000 came from the department and we allowed \$3,000,000. The Secretary and the officers of the department believe that they can use this fund to largely stimulate the production of foodstuffs. It is simply a part of the bill as framed, we not giving the department much more than half that was asked. This is to aid the department in complying with what it hopes to do along the line of stimulating and increasing the production of foodstuffs in view of the war.

Mr. SMOOT. Does the Senator understand that the \$3,000,000 that is appropriated will be divided among the agricultural colleges of the country and be an increased appropriation to those colleges for demonstration work?

Mr. SMITH of Georgia. No and yes. The department has a special fund, I think of \$600,000, that it uses independent of the colleges of agriculture and of the agricultural college extension act, but that fund is used in complete cooperation with the colleges. This fund will be used in cooperation with the colleges with a view of putting demonstrators in the sections

which the fund heretofore appropriated does not enable them to reach.

Mr. FALL. Mr. President—

Mr. SMOOT. I yield to the Senator.

Mr. FALL. I would just like to inject a word or two into the colloquy now going on. I ask the Senator if it is not also the purpose to use this special fund in cooperation with the States which are now every one of them preparing for extraordinary work in their own boundaries, that it is to be used more directly in cooperation with the State agents and with agricultural colleges, and further that it is for the purpose of employing women workers in the conservation of foodstuffs by canning, housework, and so forth?

Mr. SMITH of Georgia. So far as my observation goes, the State colleges of agriculture and the Department of Agriculture are working in perfect cooperation. The instruction extends to specialists training in canning work as well as to farm demonstrators. It extends to the boys' corn club and to the boys' pig club.

It was the opinion of the department that they could bring about a great increase of food production if we give them this additional fund. They have now demonstrators in about one-third the counties in the United States. They have canning agents and teachers of domestic science in rural sections in a limited number of the counties, one agent covering a number of counties. The object is simply to increase and stimulate the effectiveness of that work in the coming year.

Mr. SMOOT. I wish to ask the Senator if in his judgment the appropriation of \$3,000,000 can be spent efficiently for this purpose?

Mr. SMITH of Georgia. I believe it can.

Mr. SMOOT. The Senator approves the appropriation of this additional \$3,000,000?

Mr. SMITH of Georgia. I do. I favored a little less than the department wanted, because I was afraid they could not use that much effectively, but this amount I believe will be beneficial. The House passed it at four and one-half million dollars.

Mr. FALL. Mr. President, my attention has been called to this fact in connection with the proposed appropriation. The administration here called upon different governors of the States a short time ago to come to Washington or to send representatives here to formulate plans for cooperation between the departments of the Government and the different States in the Union. One of the suggestions which was made at that time was for closer cooperation between the States and the Agricultural Department or the Council for National Defense with reference to food products and conservation than now exists even under the extension act, and the appropriations made thereunder. That was one of the matters that was discussed.

The different States are applying more money generally than they have appropriated or applied under their acceptance of the provisions of the extension act for the work which has been spoken of. My State, for instance, has appropriated quite a large sum of money for cooperation with the National Government in exactly this work. It is to meet that extraordinary condition that this additional appropriation is asked.

Mr. SMITH of Georgia rose.

Mr. FALL. The Senator will permit me for just a moment. I know that in all other States, and in my own State particularly, they are organizing a force of women workers, volunteers, none of them receiving any money, to devote their time to conservation work of this character. It is for cooperation along those lines also that this sum is needed; and I understand it is badly needed.

Mr. SMITH of Georgia. The Senator from New Mexico has just said what I was about to suggest to him; that this large force of people, not thoroughly experienced in the culture of the soil, are trying to do something in those lines, and the Agricultural Department feels that the increased force of demonstrators will help them greatly.

Mr. FALL. That is exactly the thought.

Mr. KENYON. Mr. President, I want to say just a word about this item, which, as it seems to me, is one of the most important items in the bill.

The Agricultural Department are very anxious for a larger appropriation; and out of the larger appropriation they expected to devote two and a half million dollars to the work of women agents teaching methods of conserving food throughout the country, which they estimated would result in a saving of 20 per cent of our food; \$500,000 was to be devoted to the boys' pig clubs, for pig raising; and about \$3,000,000 for the men agents. To put a farm demonstrator in every county in the United States has been the ambition of the Agricultural Department.

We laugh a good deal at farm demonstrators and talk about the city fellow and the college fellow coming out to teach the farmer how to farm. The Department of Agriculture attempt to get the best farmers they can get with scientific knowledge and an agricultural college knowledge, if possible, to act as demonstrators. We have in my State 27 farm demonstrators—county demonstrators. The county cooperates; the State cooperates; the local interest cooperates. For all the money the Government spends there is at least that much more which is contributed by the State or by the county or by the individual. The county demonstration work—laugh at it as some people may—has been a splendid thing in this country. The average age of these agents is over 31. They are not mere saplings just out of school.

Agriculture is becoming a great science. The great majority of farmers are anxious for this scientific investigation. There were over 3,500 farmers and their wives who came to the short course at our agricultural college in Iowa for one week last winter, paid their own expenses, and hired men to take care of the work at home. The farmers are anxious for all the information they can get along scientific agricultural lines. We had the Hessian fly in one part of our State some years ago, and the agricultural college was flooded with letters and telephone messages asking how to handle the situation. They sometimes have at that college—it is the greatest agricultural college in the world to-day—a thousand inquiries a day concerning matters that arise on the farm. It is not true, as has been so often stated, that the farmers are against this demonstration work. Our farmers have invested thousands of dollars in studying the proposition of better seed corn. They have devoted both time and money to that proposition. There are no more intelligent people on earth than the Iowa farmer and his wife.

I have in my hand a letter from an agent in Georgia as to some of the pig-club work in Georgia, and some pictures—which I can not, of course, put into the RECORD—showing the wonderful practical result of instructions that have been given in the State of Georgia. It is an interesting fact, and I think it is largely owing to that work—a statement which possibly the Senator from Georgia [Mr. SMITH] will confirm—that Georgia's increase in hogs for last year was 237,000 head. That was the greatest increase in that variety of live stock of any State in the Union save one; and, of course, Georgia could not increase to the same extent as that State, the State of Iowa, which increased 301,000. Of course Iowa is in a class by itself as an agricultural State, but Georgia has gone into the second place in the increase of the production of hogs in this country. I believe it is largely due to the splendid work, cooperative in its nature, between the Federal Government and the State government in this farm demonstration work. I merely suggest that. We have cut this, in the interest of economy, perhaps below what we should—a million and a half dollars below what the other House has appropriated for this proposition.

Mr. SMITH of Georgia. Mr. President, confirming what the Senator from Iowa has just stated, we in Georgia began nearly eight years ago appropriating from the State treasury \$50,000 a year, and have raised the appropriation from \$50,000 a year to \$100,000 for this work. Largely as a result of demonstration work, Georgia has risen from the tenth to the fourth State in the Union in her agricultural productions.

Mr. JONES of Washington. Mr. President, if there is any one item in this bill which I think will bring benefit to our people, it is this item. I hope that this amount will not be reduced, as the committee recommends. There have been a great many requests coming from my State to my colleague [Mr. POINDEXTER] and myself urging increased appropriations, especially for farm demonstration work; and our people are very much interested in that work. They welcome the farm demonstrators; they have been trying to get more of them in the past than they have gotten, and they want an increased appropriation for this purpose. This is all the time of the Senate I am going to take. I hope the committee amendment will be voted down and that we shall leave the amount in the bill at \$4,500,000.

Mr. SHERMAN. Mr. President, I note this provision in the bill:

For increasing food production * * * and promoting conservation of food by educational and demonstrational methods—

There is appropriated so much money.

I agree with the Senator from Washington [Mr. JONES] that, if we are to appropriate a certain sum of money for these purposes, I should prefer the larger sum rather than the reduced amount, because if there is value in the investigation and the work to be done we ought to give what is fairly adequate; and I think even the amount as passed by the House is within limits.

So far as this paragraph is connected with the bill, I am in favor of it; but I wish to add these comments, and I hope that they will reach the department and the authorities in such a way as to produce results. Ordinary correspondence is useless; conversation is useless; visit to the department are useless. I made up my mind that the only thing to do is to incorporate this statement in the CONGRESSIONAL RECORD and give it such publicity as it may thereby obtain, if any results are to be produced.

Within 200 miles of the city of Chicago, if a radius be drawn of the surrounding country, 75 per cent of all the steel plows in the world are manufactured. In the city of Moline, Ill., and the adjacent municipalities which are not properly a part of that city, 60 per cent of all the steel plows in the world are made. I have seen their plows clear to the Tropics and below from the cities of Moline and of Rock Island. When I speak of Moline, I speak of the manufacturing district of which that place is the center.

There are 100,000 binders made by these factories and sold in the United States every 12 months. The greater part of them come from the Moline district, together with one other plant or series of plants in Chicago or its vicinity.

There are 80,000 corn planters made every 12 months in the area I have described. The manufacture of both binders and corn planters is largely from sheet steel. The machines can not be made without an adequate supply of sheet steel.

Not very long ago the Council of National Defense had a conference with the United States Steel Co. officials—without going into details—which resulted in the following arrangement or order: The United States Steel Co. notified the factories in the area I have just described that they must conduct their business until further notice with 50 per cent of their normal consumption of sheet steel. That means practically 50 per cent of the supply of self-binders for the United States; it means 50 per cent of the supply of corn planters for the United States. That is an impossibility and expect a full crop of food products.

The corn in the corn belt is not yet planted. It has been unseasonable, wet, cold, backward, and corn must be planted within the next 15 or 30 days, to put it at the extreme limit of the chances of a corn yield. Winter wheat will be half a yield.

I said on another occasion, commenting on another paragraph of this bill, that the great forage crops of the United States in at least five of the large producing States, beginning with northern Oklahoma and all of Kansas, and running up to and including the State of Nebraska, which are almost all perennial crops, have been totally destroyed by the severe preceding winter. That means one of two things. We must either be short of food-stuffs or we must get the full limit of the corn crop in this belt 1,200 miles long and about 800 miles from north to south. We must get the grain, and we must have the forage that comes from the blade, the top, and the shuck. That is indispensable. In the area where all the corn planters of the United States are produced, with a half supply of sheet steel, no more than a half production is possible. How were the farmers in the corn belt to be supplied under existing conditions? If it continue how will they be supplied next year? That, too, is an impossibility. Before long wheat and the other smaller cereals will be ready for the harvest. The normal number of 100,000 self-binders in this country, 95 per cent of which are produced in the area I have described, will be reduced 50 per cent.

What did the Council of National Defense say? What is said in the circular letter sent out by the steel company? That the farmer must conserve what he has; that he must get along with the old binder, with the old corn planter. The related industries using iron and steel in the manufacture of other agricultural implements within the same area I have described will consequently be affected in the same way, because rod steel, wrought iron, and all forms of iron and steel used in the manufacture of other agricultural implements must ultimately be affected by the same conditions. It is contemplated that additional orders be issued affecting other lines of the iron and steel trade which are vitally connected with the productive energies of the factories I have described.

These are the conditions: While we are attempting to prepare ourselves by raising food supplies in this country, unwittingly—I do not say it is intentional, because no body of men with the patriotic purpose of the Council of National Defense would for a moment think of such a thing, but whether intentional or otherwise, the results are just as damaging—they have interfered with the John Deer Co., the Moline Plow Co., with the Rock Island Co., with the International Harvester Co. and Parlin & Orendorf, and others in the area named, which contains the largest manufactures in the world in those lines.

Mr. VARDAMAN. Mr. President—

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

Mr. SHERMAN. Yes; I yield.

Mr. VARDAMAN. Has the Senator from Illinois had conversation with or heard by letter from the International Harvester Co. or the Deering Co. or obtained information at first hand in any other way to the effect that the order promulgated by the Council of National Defense reducing the amount of steel which they are to use would so curtail their production of agricultural implements as to interfere with supplying the needs of the farmers? Have any of these manufacturers advised the Senator personally that their failure to get steel with which to make these corn planters and other agricultural implements will result in limiting the crops of the farmers?

Mr. SHERMAN. Yes, sir.

Mr. VARDAMAN. Well, did the representatives of those factories advise the Council of National Defense what would be the effect of their extraordinary order?

Mr. SHERMAN. Yes, sir; they have been advised; and very recently the order has been modified so as to allow 75 per cent instead of 50 per cent of the normal output. The allowance of sheet steel has been increased by that much.

Mr. VARDAMAN. Of course, we all understand the vital necessity of having steel with which to build battleships in these stormy times; we appreciate the necessity for ships to carry food and munitions to our allies across the sea. It will not be denied that steel in large quantities is needed in the manufacture of munitions, but it does seem to me that the matter of first necessity, even in war times, is something to eat. And for any man or body of men to promulgate an order limiting the manufacture of agriculture implements essential to the planting and cultivating of the farmers' crops is the ne plus ultra—the "utmost most"—of absurdity. It strikes me, Mr. President, that such an order is so utterly stupid as to be bordering onto crime. But the public mind is so inflamed and abnormal these days that I will not be surprised at almost anything that may happen. We probably ought to be thankful that it is no worse, however bad it may be.

Mr. SHERMAN. I quite agree with the Senator; and, as briefly as I can, I wish to present this condition, so that, if possible, there may be a loosening of these restrictions. On the presentation of the case, there was a modification of the order, so that 75 per cent of the required sheet steel could be supplied to these factories, but that still leaves them 25 per cent short; that still leaves an inability to produce 25,000 binders and 20,000 corn planters.

These are practical matters that must be attended to. What is the use of building a fleet of vessels to carry food to the allies when there is no food produced in this country? Before food can be carried it must be produced. With the drainage of farm labor to the industrial centers there is only one remedy left for the farmer, and that is to use more machinery, more labor-saving and productive machinery, so that one hand can do more. The farmer must buy the new machinery.

Mr. VARDAMAN. Mr. President, I would like to suggest to the able Senator that there is probably more money for the manufacturer and contractor in shipbuilding than there is in making plows. There is no doubt but there is a whole lot of patriotism scattered about the country nowadays, but men can not be expected to change the habits of a lifetime on the spur of the moment. "When self the wavering balance shake" the figures are not always correct, although the purpose of the calculator may be fairly altruistic.

Mr. SHERMAN. Well, more than likely there is, because the manufacturers are selling on a very close margin the agricultural machinery to the farmer. After taking on certain Government contracts, with all the additional burdens of taking care of the agricultural-implement trade, suddenly they received a circular from the United States Steel Co. imposing these hardships.

I talked this morning with the representative of one of the largest companies. He has been here repeatedly, and appeared before the authorities, making his statement of what would result from such an order. So far the implement manufacturers have secured only the modification to which I have referred. I wish to state to the authorities here who have charge of this matter and to the different departments precisely what such an order means. I do not think we will reach the point of being in the clutch of famine. With ordinary good sense certainly we will not; but it will not be because of the Government that we will escape it; it will be because of the ability, industry, and resources of the people in private life that we escape it. I do not think there is one of the gentlemen on the Council of National Defense who, outside of his particular line, understands the far-reaching effect of the orders just entered. They have

stopped the building-trade industry in my section of the country by prohibiting the shipping of crushed rock, lime, cement, bulky articles that are needed absolutely in road building, concrete making, in bridge building, in office building, in the construction of dwelling houses, and all the related lines of industry. That was the first order; that was order No. 1, and it tied up all that industry in my section of the country, and sent hundreds and thousands of men into temporary idleness, at least, unless the order can be rescinded. I wish these men to think once before they make another order or allow the order to which I have referred to continue longer in force.

Mr. VARDAMAN. The Senator would not object if they would think twice, would he?

Mr. SHERMAN. Well, if they will only think once, I will be very devoutly thankful; and, while not objecting to more, I will not insist upon any greater burden upon them.

Ordinarily there are 60,000,000 acres of wheat in the United States; that is the normal acreage. There are 50,000,000 acres devoted to the production of the smaller grains, rye, barley, oats, and the like. There are 108,000,000 acres of corn. The average production of wheat per acre in the United States is 16.7 bushels. If by the order to which I have referred the production of binders is curtailed one-half, it can readily be seen what that means. If the production is curtailed 25 per cent, Senators know what that means. For the 50,000,000 acres used in the production of small grain other than wheat the effect will be similar. For the 108,000,000 acres of corn inside of the great corn belt of the United States, if the 25 per cent order on sheet steel remains in force, it will reduce by 20,000 the number of new corn planters in the immediate future.

Now, the farmer is a temperamental fellow after all, although there is not on this question very much sentiment in him. As a rule, he never buys farm machinery except under the pressure of necessity. The farm machinery business is a seasonal one. The manufacturers in the center of the industry begin to make corn planters in August out of the material that is assembled. They begin to make binders in October. They begin to send the binders south, where the small grain matures earlier, along in January, and follow the season as it comes north with their shipments. Shipments of corn planters run along in the same way throughout the corn belt, because the season varies somewhat with the latitude. The only way that the supply of these implements can be kept up is for the order to be rescinded. In the educational work of the Department of Agriculture, I wish to impress upon the responsible head of that department and upon the responsible committee of the Senate that their first duty is to reach the ear of those in authority or they will stop the productive energies of the grain-producing area of the Northwest.

Mr. HITCHCOCK. Mr. President, I was not in the Chamber paying attention when the Senator read the order to which he has referred. Will he kindly read it again? Was it an order from the Council of National Defense?

Mr. SHERMAN. No; it is a circular letter; but apparently it is based on an order or a direction of the Council of National Defense to the United States Steel Co. It is something as follows. I will give the Senator the substance of it, although I am not at liberty to incorporate it in the CONGRESSIONAL RECORD.

Mr. HITCHCOCK. Is it from the steel company?

Mr. SHERMAN. Yes, sir; from the United States Steel Co., and it says in substance—

Mr. HITCHCOCK. To whom is it addressed?

Mr. SHERMAN. It is addressed to the managers of the manufactories I have described. I think all of them have received the same circular letter in reference to the 50 per cent limitation on sheet steel; which, as I have said, has been modified to 25 per cent. They have raised the supply allowed to 75 per cent, so that the manufacturers are only short 25 per cent now, instead of 50 per cent. The letter ran about as follows: "In a conference held with the National Council of Defense it was concluded that the supply of sheet steel to the agricultural-implement houses, of which you are one, should be limited to 50 per cent of your normal demand compared with previous years." That is about the substance of the paragraph immediately affecting this question.

Mr. HITCHCOCK. Have these houses no other source of supply?

Mr. SHERMAN. The Senator means, than the United States Steel Co.? No; not in any adequate quantity, not enough to affect the market.

Mr. HITCHCOCK. How long ago was that circular letter issued?

Mr. SHERMAN. I should think, guessing somewhat, that it was issued about three weeks or possibly a month ago.

Mr. WALSH. Mr. President, I desire to inquire of the Senator from Illinois if that letter was not pursuant to the purpose and policy to utilize a very large proportion of the output of the steel manufacturers in the production of ships?

Mr. SHERMAN. Oh, yes; there is no doubt of that; but it is a question of whether it is better for us first to have ships or food. If we do not have an adequate food supply we may not be able to feed our own people, and we may not be able to have any surplus to transport abroad in the ships when they are built.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Illinois yield further to the Senator from Montana?

Mr. SHERMAN. Yes, sir.

Mr. WALSH. I inquire of the Senator whether it is not likely that the Council of National Defense considered that feature of the problem before suggesting the limitation in the amount of steel that would be allotted to the producers of agricultural implements, and whether it is not advisable to lodge somewhere the power to say how much shall go to one purpose and how much to another?

Mr. SHERMAN. I will assume that the Council of National Defense did consider it. I would rather think that they overlooked it than that they considered it, and then, in the face of that consideration, entered such an order or made such a stipulation with the steel company.

Mr. HITCHCOCK. Mr. President, I am very much surprised that the order should have been applied to the makers of agricultural implements, because it seems to me that the extent to which building operations have been checked would enable the steel manufacturing concerns to supply the normal wants of the agricultural-implement concerns. I should like, however, to ask the Senator whether it is not a fact that there is a considerable portion of the products of agricultural-implement houses exported to other lands, and whether, under the present arrangement, the agricultural-implement houses would not be able to supply the home consumption?

Mr. SHERMAN. No, sir. The managers of the concerns say that it will cut short their output designed for use in the United States. I might state, as probably casting some light on the subject, that the export of agricultural implements from this area has been very largely curtailed since about the year 1916, beginning with the season of 1915. We formerly exported very largely to Mexico. We export some to Canada yet. We formerly exported from this area a very large quantity of the finished product to the Russian wheat fields. It was a very desirable trade and kept the factories running full capacity with three shifts of eight hours each the year around. But since the troubled conditions resulting from the war the larger part of this export trade has been cut off. In fact, 20 months ago, at the time of the last report I had, the factories were running at something like 60 per cent of their normal capacity. That was largely, if not entirely, due to the curtailment of exports to the European wheat fields.

They used to send a great many of these implements to France. France is quite a large producing area, and they had a very profitable market. The French farmer bought very liberally of these machines, and they were used especially in the Russian wheat fields. They furnished a very large area, along with many plows and drills that are manufactured especially for use by the Russians. We do not use such implements in this country at all; but having found the kind they needed, they were enabled to manufacture it, and that kept the factory running 12 months of the year.

With this curtailment, however, in the supply of sheet steel, they assure me that it will be impossible to furnish the domestic demands on corn planters or binders, either one. Soon much of the area of the small grains will begin to be harvested. They are harvesting in Texas now; and that area will move north with the season, and as the crops approach the time to ripen the demand for the machines will be coming in. That is what I started to say a bit ago—that the farmer buys what he needs. He does not generally buy in anticipation of future needs. It is a seasonal kind of product. The manufacturers make and store it up. They manufacture it as far as they can and have it in their warehouses in the area where it will be needed for delivery when the crops are to be harvested. But very largely, more so than in any other manufacturing business, I think, in this country, the manufacturer of agricultural implements is obliged to assemble his material and manufacture without booked orders. He must fill his warehouses in anticipation of what the reasonable, normal demand will be in the coming season. To that degree he is a considerable speculator on con-

ditions, and he must take the chances in order to fill adequately the demands that are made on him.

With these conditions, taking Chicago as the central point, within a radius of 200 miles, including Indiana, you will find the factories that make 95 per cent of all the agricultural implements in the world, and it is a most serious problem with which they are confronted. If the present conditions continue, it will go directly to the harvesting of the crop.

Mr. KENYON. Mr. President—

Mr. SHERMAN. I yield to the Senator from Iowa.

Mr. KENYON. That will result, I assume, in a very largely increased price upon agricultural implements, will it not?

Mr. SHERMAN. I asked the question. The price of agricultural implements has increased somewhat, but if the Senator will take the list prices I think he will find that there is less increase in the price of agricultural implements than any other manufactured article coming out of the factory.

Mr. KENYON. But will not this order tend to increase the price very much?

Mr. SHERMAN. Undoubtedly it will. I will give an illustration at Omaha, Nebr., that came by letter.

A farmer 60 miles from Omaha wanted what we call a lister, a breaking plow and a corn planter combined. When the winter-wheat ground will not produce any crop, they plow up the wheat. That is what they used to do. Now they use the lister, and they seed the corn without breaking it up again. This farmer had a field that he wanted to utilize in that way. He could not find any of the machines in his neighborhood. He got on a train and went to Omaha, and went to the John Deere Co.'s office, and tried to buy from them one of these machines. They had none. He left, and about two hours afterwards he came back. He said, "You have one machine, a sample, in your warehouse." "Yes, we have; but it is sold and has been sold for a long time. We did not tell you of that because it is not available." The lister sells at \$65 retail to the farmer. The farmer pulled \$130, two prices, out of his pocket, and offered it to the John Deere Co. for the machine. Of course, they were obliged to refuse it, because it had been sold to another farmer.

This indicates the stress under which the farmer is working. This citizen of Nebraska stated that he did not want to let the ground lie fallow. He wanted to utilize it. He said, "I have read a great deal about crop production. I have lost my wheat, but I want to put in a corn crop. I want to make it productive. I want to add my share to increasing the food supplies of the country; and this is the only available way, in view of the lateness of the season now, that I have to put in a corn crop"; and he could not even do that.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. SHERMAN. Yes; I yield.

Mr. WALSH. This is rather a serious situation of which the Senator speaks. It seems to be a contest as to where the available steel should go—whether into the construction of ships or into the production of agricultural implements. Can the Senator tell us whether the manufacturers of the implements have been heard before the Council of National Defense, and have presented their needs?

Mr. SHERMAN. They have; and, as I said, they secured a 25 per cent modification of the original 50 per cent order; but they still have on them a 25 per cent restriction, which is a very material impediment in their manufacture.

Mr. WALSH. So that apparently the Council of National Defense has had the subject under very careful consideration.

Mr. SHERMAN. Yes, sir. The manager of one of the large companies was here to-day and appealed to me. I do not go over before the departments any more, and I do not think I shall. Whatever I have to say I am going to say in the Senate. I do not propose, for my part, to go over and spend half a day about any department in the executive branch of this Government again. What I have to say I will say here, and say it for the benefit of the department.

Mr. VARDAMAN. Mr. President—

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

Mr. SHERMAN. Yes; I yield.

Mr. VARDAMAN. I want to say by way of excuse for what seems to me a very hurtful and grievous mistake which the Council of National Defense has made in that order that there should be some extenuation in the fact that the world is now engaged in the wholesale business of murder. That is the business now engaging the attention of most of the distinguished men of the civilized Christian world. This is an era of blood-

letting and the most glorious is the man who can let the most blood and send the most souls to eternity.

Mr. SHERMAN. Yes, sir.

Mr. VARDAMAN. There is a sort of blood lust which has taken possession of the hearts of the most civilized people of ancient or modern times, temporarily dethroned their reason, stifled for the time the qualities of love, fraternity, and brotherhood which heretofore has been the pride and glory of our civilization. The world is more concerned just now in providing instruments of destruction of human life than it is in providing implements for the cultivation of the soil and the conservation of our natural resources. Money getting and man murdering is of more importance to-day than surrounding the home with comforts and vouchsafing to the citizens those opportunities which work for happiness and human well-being generally. The able and patriotic Senator from Illinois ought not to be too hard on those modern patriots, for there is some extenuation in the facts that I have related. They are no worse than the balance of us. When I consider the present with all of its horrors and painful abnormalities I can scarcely realize that I am living in the same country and the same century and among the same people of four years ago.

Mr. SHERMAN. That is true. I am not saying this in any censorious spirit, but I am saying it because it is worth a good deal more to say it here than it is to go over and talk either to the head of a department or to some subordinate. It goes in one ear and out of the other. That is the most I can say of it. I do not really know that it gets in the first ear.

Mr. RANSDELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. SHERMAN. Yes.

Mr. RANSDELL. I should like to ask the Senator from Illinois if there has been any restriction upon the amount of steel used in the construction of large buildings?

Mr. SHERMAN. I have not heard of any. I am not informed of any such orders. Although we speak of them as orders, they are not legal orders; they are only trade agreements that are made with the concurrence of the Council of National Defense; and many times the only way I find them out is by somebody affected by an order, who finds his operations hindered, coming into my office or wiring to me.

Mr. RANSDELL. I would suggest to the Senate that it might be well to restrict the amount of steel used in these big buildings, if there be a real shortage of steel, such as the Senator describes. I have no doubt he describes it correctly. If the manufacturers can not get sufficient steel to construct farm implements, and the Government needs steel to build ships, we might in some way cut off the supply of these big buildings that are going up everywhere. There are a number going up in the city of Washington at this moment. Perhaps it would be well to cut off their supply rather than to cut it off on the ships or on the agricultural implements.

Mr. HITCHCOCK. Mr. President, if the Senator will permit me—

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

Mr. HITCHCOCK. I think the restriction upon the construction of large buildings has been automatic. Whereas steel for the construction of buildings cost only \$47 a ton before the outbreak of the war, or about that time, it now costs \$130 a ton, and that has automatically practically put a stop to all new building. Some buildings are being constructed which were under contract, but practically speaking there is very little steel now used in construction work.

If a proper showing can be made before the Council of National Defense, I shall be very much surprised if that order is not still further modified so as to permit the use of all necessary steel in the manufacture of agricultural implements. I think probably the Senator will find, if he examines the matter, that those concerns that are engaged in the manufacture of agricultural implements are to some extent also engaged in the manufacture of automobiles, and that it has been thought possible that the use of steel by those concerns could be restricted without interfering particularly with agriculture. Is not that the fact?

Mr. SHERMAN. Yes, sir; some of the men are interested in both. There is an element of truth in what the Senator says. I do not mean that as qualifying the truth of his statement, but there is such an element of truth from my angle, as I look at it, that I can not answer his question "yes" or "no" and be entirely accurate. I will answer in this way:

The general manager of one of the largest agricultural-implement houses in the country and in this area that I have described, a constituent of mine, is also the vice president of one of the large automobile companies; so he is engaged in both lines of manu-

facture. I said, "What is the relation of the supply between the automobile manufacturing"—they use a large quantity of sheet steel—"and agricultural implements, especially binders and corn planters?" He said, "There is a very close relation affecting each other." There is no limitation on the quantity of sheet steel to be supplied automobile manufacturers. They have contracted months or a year ahead for delivery this spring just as soon as the roads are good. One automobile company has contracts for 60,000 automobiles to be delivered this year. There is no limitation upon the sheet steel they can get. They have a goodly amount of sheet steel in their warehouse now, enough to make 35,000 of the 60,000 automobiles, and still there is no prohibition upon their purchase of sheet steel. But to continue this statement about the man who is not only an agricultural-implement manufacturer but also vice president of the automobile company, he said that he wanted the curtailment put on the automobile manufacture; that people could get along with their old automobiles, or could continue to use their present methods of transportation and do without an automobile for this year, but that we could not do without agricultural implements; and he had interests on both sides, was equally affected financially, and for himself he went before the Council of National Defense or the proper department, the Secretary of Commerce, to-day—or intends to do so before he leaves town—and ask him to modify this order, and if necessary to put restrictions upon the sheet steel delivered to automobile manufacturers, although it affects him equally in both directions.

I think only a very few, if any, of the agricultural-implement factories make automobiles. Most of them are making agricultural implements only.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. Yes, sir.

Mr. STERLING. The Senator from Illinois speaks of the action of the Council of National Defense as an order. I should like to know if it is the Senator's view that the Council of National Defense can make a binding order—whether its function is not simply to investigate and then to advise or recommend? Is not that the function of the Council of National Defense?

Mr. SHERMAN. Yes, sir.

Mr. STERLING. Do I understand that a recommendation made by the Council of National Defense is to be treated by the interests affected as an order, and is that what the Senator speaks of as the order made by the Council of National Defense?

Mr. SHERMAN. When I speak of the order I speak of it with the limitation that I gave a while ago, that it is not a legal order, but one that is a matter of agreement between it and industrial concerns; it has the practical effect of making a limitation on the product.

Mr. WALSH. Mr. President, I think perhaps I can shed a little light on this matter.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. SHERMAN. I do.

Mr. WALSH. Under both the Army bill and the Navy bill the Secretary of War and the Secretary of the Navy are authorized to commandeer steel and other supplies of that character for national purposes. They go to a steel company and say, "We need so much steel for the purpose of building ships," and of course the company has to supply it. The steel company is then obliged to disappoint those who have contracted with it, in order to supply the Government, because if it does not meet the Government's demands the Government will commandeer the whole thing and even take possession of the plant. So that the Council of National Defense simply says to the steel company, "We need so much steel," and then the steel company says to its customers, "The Government is demanding so much of us that we can not meet your demands, and you will have to cut them down by 25 or 50 per cent," as the case may be.

Mr. STERLING. I did not understand, from the discussion of the Senator from Illinois, that the Government or the Secretary of War or the Secretary of the Navy had yet resorted to commandeering. I supposed that in the instance to which he refers the Council of National Defense, not having the power to make a binding order on any one or upon any interest, had simply recommended a certain course, and the interests affected were expected to agree to that recommendation and treat it virtually as an order.

Mr. WALSH. The Senator from South Dakota must have misunderstood me if he gathered the idea that I have suggested that they have commandeered at all. They have the power to commandeer; and with the power back of them, as a matter of course, whatever they ask in the way of steel must be supplied by the steel manufacturers. When they say to the

steel manufacturers: "We need so much," they are obliged in turn to say to ordinary customers: "We can not supply your needs."

But there is another thing of which I want to speak. The Senator spoke about the roundabout way in which he had secured this information. Now, as I understand, we have an Official Bulletin. It would be very helpful, would it not, to the Members of both legislative bodies, if official action of that kind were published daily in the Bulletin for the information of all of us?

Mr. SHERMAN. There is no doubt of it. That is why I was ready to vote for a joint congressional committee on the management of war expenditures. I can not get to a department. I have not time, for one thing. The only way I can do anything is through my secretary. He is much more capable and diplomatic in those affairs than I am. But if there were a joint congressional committee, I could go to the Senators who represented this body, or the House members, and could very conveniently and expeditiously put before them complaints such as I have had to-day. I have had a very great many of them. I have refrained from inflicting them on the Senate not because I have not thought they were of sufficient importance but there is enough to take our time in this Chamber. I have asked those concerned to go and present their grievances from time to time, and obtain as far as possible a removal of these obstacles to normal production. In a large manufacturing and agricultural State like Illinois every order made here vitally affects production. I would occupy the Senate's time continually if I brought them all up. A joint committee such as proposed by the junior Senator from Massachusetts [Mr. WEEKS] would serve a most useful purpose.

I will say to the Senator from South Dakota that these are not orders in a legal sense at all. As I explained a bit ago, they are voluntary arrangements made at the time. I think it was three weeks or a month ago that the one was made to which I referred. They are simply observances by these manufacturing companies of the requests of the Government. They take the Council of National Defense as reflecting the wishes of the President. It is a matter of patriotism for these manufacturers, giving them credit for a fair degree of public spirit. When they understand that a governmental department wishes a certain line of action to be followed, they observe it. They are volunteering, and have placed their resources at the disposal of the Government, to be used as the departments here shall order; it is in pursuance of that that they have run up against this 50 per cent limit on the quantity of steel they require. It is far from being an encouraging response to their public-spirited offers.

Here is another thing about which I want to say a few words before I yield the floor: The members of the Council of National Defense do not keep sufficiently in their minds what is impressed upon them by these interests that are up against the manufacturing end of it. That is the difficulty. Here a matter of a month or six weeks ago there was a great furor spread over the country about utilizing waste ground. We were going to plow up the Rocky Mountains and drain all the morasses and swamps, the Everglades of Florida and everything else, raise onions in the parks, plant sweet potatoes and corn on vacant lots, and have enough of those things raised on waste ground to feed two or three nations like ourselves. Well, those are more or less fads, of course; but under the impulse of the temporary excitement the Government made inquiry from these same manufacturing concerns I am talking about as to how many tractor plows they could furnish in a given time. This same Council of National Defense learned from that request that all the tractor plows these companies could manufacture within the time required were contracted long ago to American farmers. They could not promise to deliver a single plow to the Government, because their capacity was contracted up to the minute.

If they had only kept that in mind and seen the other end of the stepladder—to use the simile I used here the other day—if they had followed that out, they would have seen the condition under which these factories were working. They would have seen that the normal output of binders and corn planters would have been affected by such an order as this. What the Council of National Defense need, I think, and the members of the Cabinet—and I am not saying this in a critical sense at all—is a joint congressional committee or some kind of authority—I do not care what you call it—to link the legislative department of the Government with the executive department and the Council of National Defense, so that our constituents who come here from all over the United States, some on one thing and some on another, and present the conditions to us may, through that

committee, reach these departments, whether Congress is in session or not.

Here is another circumstance I want to state. It will take just a moment, and then I shall conclude. What will become of the plows? All the related products of iron and steel ultimately will be affected by such a restriction as this. Sixty per cent of all the steel plows made in the world are made in the Moline district. Ninety-five per cent of the entire product of the plow manufacturers is made within a radius of 200 miles of Chicago. The chilled plowshare is used in New England, where there is a superfluity of gravel or gritty substances in the mold that is turned. It is that kind of a chilled iron plow that goes into that country from my district. The steel plowshare is the one used in all the grain-producing country, where there is a soft soil. It is the only plow that will scour, as the farmers say they have found by experience. Now, ultimately these products will be affected in the same way unless the Council of National Defense shall understand the result of their order and modify it in some way so that the restrictions shall not apply.

Mr. PAGE. Mr. President, I understood the Senator from Illinois to say that he was in accord with the particular clause in this bill which has been cut down from \$4,500,000 to \$3,000,000.

Mr. SHERMAN. Yes, sir.

Mr. PAGE. Now, speaking for myself, I want to say that I do not believe there is any clause in this bill so important to the welfare of this country as this clause, reading:

For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others.

I do not believe our committee exercised the courage of its convictions when it cut this appropriation down from the House provision of \$4,500,000 to \$3,000,000. It was simply yielding to what it believed to be a general demand on the part of the Senate that everything in this bill be cut down. I am almost certain, from what I know of the committee and the discussions going on while we have had this measure under consideration here, that had the committee acted on their own judgment fearlessly they would have left the amount as fixed by the House \$4,500,000. If the Senator believes that that amount should be left there, I wish he would make the motion that we restore the House provision, and I, for one, shall very gladly support it.

The PRESIDING OFFICER. The Chair will state to the Senator from Vermont that the amendment has not yet been adopted.

Mr. PAGE. Well, if that is the situation I wish simply to repeat that in my judgment this is the most important provision in the bill. I sincerely hope the Senate will vote against the committee amendment; and I should be very glad if the Senator from Iowa [Mr. KENYON], if he speaks for the chairman, would consent to the rejection of the committee amendment.

Mr. KENYON. Mr. President, I would not have the authority to do that, and I do not know that the chairman would; but I should not feel at all badly to see the committee amendment rejected.

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

The amendment was rejected.

Mr. CALDER obtained the floor.

Mr. KENYON. Mr. President, I want to appeal to the Senator from New York to let us finish the committee amendments. There are only two or three more, and we are very anxious to finish them to-night. Then any individual amendments can be offered.

Mr. CALDER. Mr. President, this is a matter entirely apart from the bill.

Mr. KENYON. There is no much more important matter in this country now than getting a bill in shape where we can have a food survey of the country. Of course I can not help it if the Senator wants to discuss something else, however.

Mr. CALDER. I think the Senator will agree that the matter I have in mind is fully as important as anything that is pending in the bill. I will not take more than 10 minutes of the time of the Senate. This is a matter that I have had in mind for several days, and I came to the conclusion finally that it was my duty to lay it before the Senate.

Yesterday the Senate acted upon a resolution presented by the Senator from New Jersey [Mr. FRELINGHUYSEN], referring to the Committee on Naval Affairs a resolution to investigate the loss of the lives of two nurses on a merchant ship on its way to Europe. This was most unfortunate, but, many believed, unpreventable. I have had called to my attention a matter which I believe is preventable. It is of such grave concern that I think it my duty to bring it to the attention of the Senate.

I hold in my hand a round robin sent to me by sailors on the U. S. S. *Solace*, the Navy hospital ship, that deals with conditions on that ship. I bring it to the attention of the Senate so that the Naval Affairs Committee may take up the matter for investigation.

This round robin reads as follows:

- Sanitary conditions on board of U. S. S. *Solace* May 18 to 21, 1917:
1. When we were sent from our ships lying at different points in the fleet base we were compelled to carry our own baggage, with fevers ranging from 100 to 103 degrees.
 2. Drinking water very scarce. I had three glasses while on board (C. K. E.), and some men had only one glass apiece. I might add that there was no ice water and the water was very warm.
 3. The dishes used by men sick with measles were washed in lavatory, where vessels were standing around with germs of scarlet fever and mumps, which said germs were thrown in same receptacle used by men with measles; the dishes, forks, and knives were wiped with toilet paper.
 4. All food was served to men on one large platter, the motto of which was, "Help yourself or go without."
 5. Men who were very sick were compelled to sleep on the deck with blankets (two). Many of these men had high fevers.
 6. Blankets used by men with measles, mumps, and scarlet fever were piled up in one stack, and at night they were issued to the first ones who came for them. These blankets were not sterilized, and there were many risks taken by the men of transferring disease to one another.
 7. Sick men unable to wash themselves went without for length of trip on U. S. S. *Solace* to the hospital at Norfolk.
- Signed by men who experienced these conditions on U. S. S. *Solace*.

This round robin is signed by thirty-odd sailors of the fleet. I am going to withhold their names for the present. This is a matter that the Committee on Naval Affairs should thoroughly and completely investigate, and if the facts stated in this paper are true the severest punishment should be meted out to the men responsible. We are asking our young men to enlist in the Navy; we contemplate organizing a great Army, and if in the very beginning a condition of this kind exists the Senate ought to know it, and it ought to be remedied forthwith.

Mr. KENYON. I ask that the next committee amendment be stated.

The SECRETARY. On page 6, line 4, strike out "three," after the word "section," and insert "one," so as to make the first part of the paragraph read:

For gathering authoritative information in connection with the demand for and the production, supply, distribution, and utilization of food, and otherwise carrying out the purpose of section 1 of this act; extending and enlarging the market news service.

The amendment was agreed to.

The next amendment was on page 6, line 8, to strike out "\$3,500,000," and insert "\$2,522,000," so as to make the remainder of the paragraph read:

and preventing waste of food in storage, in transit, or held for sale, directing the market movement or distribution of perishable products, and otherwise carrying out the purposes of this act, \$2,522,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, to strike out "\$2,000,000" and insert "\$1,200,000," so as to read:

For miscellaneous items, including the salaries of Assistant Secretaries appointed under this act; special work in crop estimating; aiding agencies in the various States in supplying farm labor; enlarging the informational work of the Department of Agriculture; and printing and distributing emergency leaflets, posters, and other publications requiring quick issue or large editions, \$1,200,000.

The amendment was agreed to.

The next amendment was, on page 6, line 17, before the words "per cent," to strike out "twenty" and insert "five," and after the words "per cent" to strike out the words "of the total," so as to read:

Such part, not exceeding 5 per cent of any of the foregoing sums as the Secretary of Agriculture may find not to be required for carrying out the purposes of the particular item for which specifically appropriated may, by his order, from time to time, be transferred to any other such item or items, or may be otherwise used for carrying out the purposes of this act, including the payment of such rent, the expense of such printing and publications, and the employment of such agencies in the Department of Agriculture, such persons, and such means, in the city of Washington and elsewhere, as the Secretary of Agriculture may deem necessary.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

It shall be the duty of the Secretary of Agriculture to submit to Congress at its regular session in December of each year a detailed report of the expenditure of all moneys herein appropriated.

The amendment was agreed to.

The next amendment was to change the numbering of section 10 to section 8.

The amendment was agreed to.

The next amendment was, in section 8, page 7, line 13, before the word "year," to strike out the word "one" and insert "the beginning of the next fiscal," so as to read:

SEC. 8. That the provisions of this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President; but the date when this act shall cease to be

in effect shall not be later than the beginning of the next fiscal year after the termination, as ascertained by the President, of the present war between the United States and Germany.

Mr. JONES of Washington. I wish to suggest to the committee that I think it is unwise to make the amendment the committee recommends here. If the war should close a month before the 30th of June, the department might have their plans arranged, and yet they could not carry them out. It seems to me they ought to know as nearly as possible about how much time they will have to do the work we have appropriated for here. If they know they have a year after the conclusion of the war, they can make their plans accordingly. I suppose the committee considered that, but it seems to me this provision is rather unwise, because, as I said, if the war closes 30 days before the end of the fiscal year the work can not go on in the next fiscal year.

Mr. KENYON. I think there is a good deal of force in the suggestion of the Senator. The House provision—I am not certain, but my recollection is—provided for the year 1918. I ask the Senator if he will let the amendment be adopted, and the matter will be taken up and considered later, and perhaps a different section can be drawn.

Mr. JONES of Washington. Very well. I would rather see the committee amendment voted down, but I shall not insist upon it. I think it can be worked out probably in conference.

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

Mr. JONES of Washington. I would not want to have the amendment agreed to without objection.

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

The amendment was agreed to.

Mr. HITCHCOCK and Mr. McKELLAR addressed the Chair. The PRESIDING OFFICER. The Senator from Nebraska.

Mr. McKELLAR. I was out of the Chamber when—
The PRESIDING OFFICER. The Senator from Nebraska has been recognized.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Thursday, May 31, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 29, 1917.

VICE GOVERNOR OF THE PHILIPPINE ISLANDS.

Charles Emmett Yeater, of Missouri, to be vice governor of the Philippine Islands, vice Henderson S. Martin, resigned.

ASSOCIATE JUSTICES, SUPREME COURT, PHILIPPINE ISLANDS.

Thomas A. Street, of Alabama, to be an associate justice of the Supreme Court of the Philippine Islands, vice Sherman Moreland, resigned.

George A. Malcolm, of Michigan, to be an associate justice of the Supreme Court of the Philippine Islands, vice Grant T. Trent, resigned.

REGISTER OF LAND OFFICE.

Cato D. Glover, of Alabama, to be register of the land office at Montgomery, Ala. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

William P. D. Haly, of Frankfort, Ky., to be collector of internal revenue for the seventh district of Kentucky, in place of Ben Marshall, superseded.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be judge advocates with rank of major from May 15, 1917.

Capt. Willey Howell, Infantry, detached officers' list, to fill an original vacancy.

Capt. Gordon N. Kimball, Third Cavalry, to fill an original vacancy.

Capt. William Taylor, Infantry, detached officers' list, to fill an original vacancy.

Capt. Gouverneur V. Packer, Infantry (detailed in the Quartermaster Corps), to fill an original vacancy.

Capt. Edward K. Massee, Twenty-second Infantry, to fill an original vacancy.

Capt. Edwin O. Saunders, Ninth Infantry, to fill an original vacancy.

Capt. Marion W. Howze, Seventh Field Artillery, to fill an original vacancy.

Capt. Hugh S. Johnson, Cavalry, to fill an original vacancy.

Capt. George V. Strong, Sixth Cavalry, to fill an original vacancy.

Capt. Cassius M. Dowell, Infantry, detached officers' list, to fill an original vacancy.

Capt. William S. Weeks, Infantry, detached officers' list, vice Maj. Blanton Winship, promoted.

Capt. Allen W. Gullion, Infantry, detached officers' list, vice Maj. Beverly A. Read, promoted.

Capt. James A. Gallogly, Coast Artillery Corps, vice Maj. Edward A. Kreger, promoted.

Capt. Edwin C. McNeil, Thirty-fifth Infantry, vice Maj. Samuel T. Ansell, promoted.

Capt. Edward P. King, jr., Second Field Artillery, vice Maj. Herbert A. White, promoted.

CHAPLAINS.

Rev. A. Richard Hedstrom, of Colorado, to be chaplain with the rank of first lieutenant from May 21, 1917, to fill an original vacancy.

Rev. Henry Nathan Blanchard, of North Carolina, to be chaplain with the rank of first lieutenant from May 21, 1917, to fill an original vacancy.

PROVISIONAL APPOINTMENT BY PROMOTION.

COAST ARTILLERY CORPS.

Second Lieut. Charles D. Y. Ostrom, Coast Artillery Corps, to be first lieutenant from November 28, 1916, vice Baxter, detailed in the Ordnance Department.

Second Lieut. James C. Hutson, Coast Artillery Corps, to be first lieutenant from November 29, 1916, vice Dargue, detailed in the Ordnance Department.

PORTO RICO REGIMENT OF INFANTRY.

To be first lieutenants with rank from January 5, 1917.

Second Lieut. Manuel B. Navas, vice First Lieut. Eugenio C. de Hostos, promoted.

Second Lieut. Enrique M. Benitez, vice First Lieut. Felix Emmanuelli, promoted.

Second Lieut. Vicente N. Diaz, vice First Lieut. Louis S. Emmanuelli, promoted.

Second Lieut. Andres Lopez, vice First Lieut. Pascual Lopez, promoted.

Second Lieut. Ramon S. Torres, vice First Lieut. Daniel Rodriguez, promoted.

Second Lieut. Modesto E. Rodriguez, vice First Lieut. Leopoldo Mercader, promoted.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be colonels with rank from May 15, 1917.

Lieut. Col. John S. Winn, Cavalry (Inspector General), to fill an original vacancy.

Lieut. Col. Charles A. Hedekin, Fourth Cavalry, vice Lieut. Col. John S. Winn, whose detail in the Inspector General's Department is continued.

Lieut. Col. Francis J. Koester, Ninth Cavalry, to fill an original vacancy.

Lieut. Col. John D. L. Hartman, Cavalry, detached officers' list, to fill an original vacancy.

Lieut. Col. Robert L. Howze, Cavalry (General Staff), to fill an original vacancy.

Lieut. Col. Guy H. Preston, Second Cavalry, vice Lieut. Col. Robert L. Howze, whose detail in the General Staff is continued.

Lieut. Col. Ralph Harrison, Cavalry, detailed in The Adjutant General's Department, to be colonel from May 23, 1917, vice Col. William W. Forsyth, unassigned, retired from active service May 22, 1917.

Lieut. Col. Charles D. Rhodes, Cavalry, detached officers' list, to be colonel from May 23, 1917, vice Col. Ralph Harrison, whose detail in The Adjutant General's Department is continued.

Lieut. Col. Edward Anderson, Sixteenth Cavalry, to fill an original vacancy.

Lieut. Col. George E. Stockle, Twelfth Cavalry, to fill an original vacancy.

Lieut. Col. William T. Littebrant, Cavalry, unassigned, subject to examination required by law, to fill an original vacancy.

Lieut. Col. Michael M. McNamee, Cavalry, detached officers' list, to fill an original vacancy.

FIELD ARTILLERY ARM.

To be colonels with rank from May 15, 1917.

Lieut. Col. George G. Gately, Field Artillery, unassigned, to fill an original vacancy.

Lieut. Col. Le Roy S. Lyon, Fourth Field Artillery, to fill an original vacancy.

Lieut. Col. Tiemann N. Horn, First Field Artillery, to fill an original vacancy.

Lieut. Col. Charles P. Summerall, Field Artillery, detached officers' list, subject to examination, to fill an original vacancy.

Lieut. Col. William M. Cruikshank, Field Artillery (Adjutant General), subject to examination, to fill an original vacancy.

Lieut. Col. Otho W. B. Farr, Seventh Field Artillery, subject to examination, vice Col. William M. Cruikshank, whose detail in The Adjutant General's Department is continued.

Lieut. Col. Dwight E. Aultman, Field Artillery, detached officers' list, subject to examination, to fill an original vacancy.

Lieut. Col. Adrian S. Fleming, Field Artillery (Adjutant General), to fill an original vacancy.

Lieut. Col. Brooke Payne, Sixth Field Artillery, subject to examination, vice Col. Adrian S. Fleming, whose detail in The Adjutant General's Department is continued.

Lieut. Col. William S. Guignard, Ninth Field Artillery, subject to examination, to fill an original vacancy.

Lieut. Col. Albert J. Bowley, Fifth Field Artillery, to fill an original vacancy.

Lieut. Col. Harry G. Bishop, Eighth Field Artillery, subject to examination, to fill an original vacancy.

Lieut. Col. Willard D. Newbill, Field Artillery (Quartermaster Corps), subject to examination, to fill an original vacancy.

Lieut. Col. Manus McCloskey, Third Field Artillery, vice Col. Willard D. Newbill, whose detail in the Quartermaster Corps is continued.

COAST ARTILLERY CORPS.

To be colonels with rank from May 15, 1917.

Lieut. Col. Clint C. Hearn, Coast Artillery Corps, to fill an original vacancy.

Lieut. Col. William C. Davis, Coast Artillery Corps, to fill an original vacancy.

Lieut. Col. Frank G. Mauldin, Coast Artillery Corps, detached officers' list, to fill an original vacancy.

Lieut. Col. Daniel W. Ketcham, Coast Artillery Corps, detached officers' list, to fill an original vacancy.

Lieut. Col. Thomas B. Lamoreux, Coast Artillery Corps, detached officers' list, to fill an original vacancy.

Lieut. Col. Andrew Hero, jr., Coast Artillery Corps, to fill an original vacancy.

Lieut. Col. Frank E. Harris, Coast Artillery Corps, to fill an original vacancy.

Lieut. Col. George Blakely, Coast Artillery Corps (Inspector General), to fill an original vacancy.

Lieut. Col. Frank W. Coe, Coast Artillery Corps (General Staff Corps), vice Col. George Blakely, whose detail in the Inspector General's Department is continued.

Lieut. Col. William R. Smith, Coast Artillery Corps, vice Col. Frank W. Coe, whose detail in the General Staff Corps is continued.

INFANTRY ARM.

To be colonels with rank from May 15, 1917.

Lieut. Col. Richard C. Croxton, First Infantry, to fill an original vacancy.

Lieut. Col. Edward N. Jones, jr., Twentieth Infantry, to fill an original vacancy.

Lieut. Col. Arthur Johnson, Thirty-sixth Infantry, to fill an original vacancy.

Lieut. Col. Charles H. Martin, Eighteenth Infantry, to fill an original vacancy.

Lieut. Col. William Weigel, Second Infantry, to fill an original vacancy.

Lieut. Col. Thomas G. Hanson, Infantry (detailed in the Quartermaster Corps), to fill an original vacancy.

Lieut. Col. Herman Hall, Infantry, detached officers' list, to fill an original vacancy.

Lieut. Col. Marcus D. Cronin, Infantry, detached officers' list, to fill an original vacancy.

Lieut. Col. Charles S. Farnsworth, Infantry, detached officers' list, to fill an original vacancy.

Lieut. Col. Charles Gerhardt, Infantry, detached officers' list, subject to examination required by law, to fill an original vacancy.

Lieut. Col. James T. Dean, Infantry (detailed in The Adjutant General's Department), subject to examination required by law, to fill an original vacancy.

Lieut. Col. Ulysses G. McAlexander, Infantry, detached officers' list, to fill an original vacancy.

Lieut. Col. William K. Jones, Fourteenth Infantry, to fill an original vacancy.

Lieut. Col. Edmund Wittenmyer, Infantry, detached officers' list, subject to examination required by law, to fill an original vacancy.

Lieut. Col. Michael J. Lenihan, Infantry, detached officers' list, subject to examination required by law, to fill an original vacancy.

Lieut. Col. Mark L. Hersey, Twenty-fourth Infantry, to fill an original vacancy.

Lieut. Col. Frank H. Albright, Twenty-fifth Infantry, to fill an original vacancy.

Lieut. Col. Frederic D. Evans, Infantry (detailed in The Adjutant General's Department), to fill an original vacancy.

Lieut. Col. Earl C. Carnahan, Infantry, unassigned, to fill an original vacancy.

Lieut. Col. Edson A. Lewis, Sixth Infantry, to fill an original vacancy.

Lieut. Col. Charles E. Tayman, Twenty-eighth Infantry, to fill an original vacancy.

Lieut. Col. James W. McAndrew, Infantry (detailed in the General Staff Corps), subject to examination required by law, to fill an original vacancy.

Lieut. Col. Edward R. Chrisman, Thirty-third Infantry, to fill an original vacancy.

Lieut. Col. Peter C. Harris, Infantry (detailed in The Adjutant General's Department), subject to examination required by law, to fill an original vacancy.

Lieut. Col. Munroe McFarland, Infantry (detailed in the General Staff Corps), to fill an original vacancy.

Lieut. Col. William T. Wilder, Twenty-seventh Infantry, to fill an original vacancy.

Lieut. Col. William R. Sample, Thirty-fourth Infantry, subject to examination required by law, to fill an original vacancy.

Lieut. Col. William R. Dashiell, Infantry, unassigned, vice Col. Thomas G. Hanson, retained in the Quartermaster Corps.

Lieut. Col. Eli A. Helmick, Infantry (detailed in the Inspector General's Department), vice Col. James T. Dean, retained in The Adjutant General's Department.

Lieut. Col. William C. Bennett, Twenty-third Infantry, vice Col. Frederic D. Evans, retained in The Adjutant General's Department.

Lieut. Col. Frederic H. Sargent, Thirty-first Infantry, subject to examination required by law, vice Col. James W. McAndrew, retained in the General Staff Corps.

Lieut. Col. Wilson Chase, Twenty-sixth Infantry, vice Col. Peter C. Harris, retained in The Adjutant General's Department.

Lieut. Col. Charles B. Hagadorn, Infantry, detached officers' list, vice Col. Munroe McFarland, retained in the General Staff Corps.

Lieut. Col. Harry R. Lee, Ninth Infantry, vice Col. Eli A. Helmick, retained in the Inspector General's Department.

Lieut. Col. Harold L. Jackson, Infantry, unassigned, an additional number in his grade, to be colonel from May 15, 1917, the date on which he would have been promoted to fill a vacancy in that grade in his arm had he not been retired from active service, and to be an additional number in that grade.

COAST AND GEODETIC SURVEY.

The following-named assistants of the Coast and Geodetic Survey to be hydrographic and geodetic engineers:

Robert Lee Faris, of Missouri.

William Bowie, of Maryland.

Phillip Albert Welker, of Ohio.

Herbert Cornelius Graves, of Virginia.

Richard Barnett Derickson, of Tennessee.

Fremont Morse, of California.

Hugh Cowan Denson, of Alabama.

Dallas Bache Wainwright, of the District of Columbia.

Isaac Winston, of Alabama.

John Francis Pratt, of Washington.

Edmund Finlay Dickins, of California.

John Edward McGrath, of the District of Columbia.

William Candler Hodgkins, of Massachusetts.

William Edward Parker, of Massachusetts.

Nicholas Hunter Heck, of Pennsylvania.

John Thomas Watkins, of Virginia.

Clifford Gordon Quillian, of Georgia.

Paul Clinton Whitney, of the District of Columbia.

Edward Herbert Pagenhart, of Minnesota.

Ector Brooks Latham, of Georgia.

John Jacob Gilbert, of Washington.

Francis Hathaway Hardy, of New Hampshire.

Raymond Stanton Patton, of Ohio.

Gilbert Thomas Rude, of Maryland.

Carey Vandervort Hodgson, of Ohio.

Homer Peter Ritter, of Ohio.

Walter Browne Fairfield, of Massachusetts.

Oscar Wood Ferguson, of New York.

Cephas Hempstone Sinclair, of Virginia.

Andrew Braid, of Pennsylvania.

Robert Francis Luce, of Massachusetts.

Thomas James Maher, of New York.

John Warwick Daniel Maupin, of Virginia.

Francis George Engle, of New York.

Leo Otis Colbert, of Massachusetts.

John Bartlett Boutelle, of Massachusetts.

Ferdinand Westdahl, of California.

James Bowen Baylor, of Virginia.

The following-named assistants of the Coast and Geodetic Survey to be junior hydrographic and geodetic engineers:

Harry A. Seran, of Ohio.

Clem Leinster Garner, of North Carolina.

John Henry Peters, of Ohio.

Jean Hopkins Hawley, of New York.

Eoline Richmond Hand, of Ohio.

Paul McGeorge Trueblood, of Indiana.

Frederick Bernhard Theodore Siems, of Maryland.

Alfred Modesto Sobieralski, of New York.

Arthur John Ela, of Washington.

Richard Russell Lukens, of Indiana.

Edgar English Smith, of North Carolina.

Roscoe Perrin Strough, of New York.

John Dalrymple Powell, of Virginia.

Arthur Joachims, of California.

Isaiah Morris Dailey, of Ohio.

Alfred Lewis Giacomini, of California.

Otis William Swainson, of Colorado.

George Durno Cowie, of New York.

Ernest Eugene Reese, of New York.

Harold Alonzo Cotton, of New Jersey.

Frank Spaulding Borden, of Pennsylvania.

John Albert Daniels, of New York.

George Carl Mattison, of Minnesota.

Leon Archie Potter, of New York.

Max Steinberg, of New York.

Harry Leypoldt, of Pennsylvania.

Eustace Samuel Walker, of Indiana.

Harry Thomas Kelsh, jr., of Pennsylvania.

Harrison Rae Bartlett, of New York.

William Valley Hagar, of Vermont.

Henry Bowers Campbell, of New York.

Kenneth Tress Adams, of Ohio.

Ernest Werner Eickelberg, of New York.

Frederic Lockwood Peacock, of New York.

Walter Draper Sutcliffe, of New York.

Ray Longfellow Schoppe, of Vermont.

Raymond Vernon Miller, of New York.

The following-named aids of the Coast and Geodetic Survey to be aids:

Arthur Sidney Hallberg, of California.

Maurice Eli Levy, of Massachusetts.

Robert James Auld, of New York.

William Harold Clark, of New York.

Jack Senior, of New York.

Sylvanus Davis Winship, of Maine.

Raymond, Pugh Eyman, of Ohio.

Leo Cuthbert Dyke, of New York.

Chester Howard Ober, of Rhode Island.

Douglas Karr, of New Jersey.

Conrad Turner Bussell, of Virginia.

William Henry Kearns, of Massachusetts.

Leonard Harold Zeman, of Illinois.

George Clay Jones, of Oregon.

Charles Shaw, of Massachusetts.

Reuben Arey, of Massachusetts.

Carl Alexander Egner, of Indiana.

Oliver Scott Reading, of Illinois.

Gardner Luce, of Massachusetts.

Bert Clinton Freeman, of Michigan.

Lyman Davis Graham, of Pennsylvania.

Stanley Truman Barker, of Massachusetts.

Raymond Alonzo Wheeler, of Washington.

Leo Clark Wilder, of Vermont.

Andrew Carothers Witherspoon, of Pennsylvania.

Herbert Richard Grummann, of Nebraska.

Rowland King Bennett, of New York.

Max Orville Witherbee, of Colorado.

Payson Austin Perrin, of Massachusetts.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 29, 1917.

COLLECTOR OF INTERNAL REVENUE.

William P. D. Haly, to be collector of internal revenue for the seventh district of Kentucky.

RECEIVER OF PUBLIC MONEYS.

William A. Maxwell, to be receiver of public moneys at Denver, Colo.

REGISTER OF LAND OFFICE.

Harry J. Kelly, to be register of the land office at Lewistown, Mont.

PUBLIC HEALTH SERVICE.

Surg. William J. Pettus, to be senior surgeon in the Public Health Service.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 29, 1917.

The House met at 12 o'clock noon.

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

O Thou who art the Life and Light of men, our God and our Father, the Inspiration of every generous impulse, high resolve, and noble endeavor, we thank Thee for the sublime height reached and kept by our fathers through their dauntless courage, heroic sacrifices, and splendid achievement in a Government whose foundations were laid in the inherent rights of man—life, liberty, and the pursuit of happiness, which through all the vicissitudes of the past has come down to us, increased a thousandfold in all that makes a nation great. Help us, we beseech Thee, to realize how great is the responsibility resting upon us; that every citizen throughout the length and breadth of our Republic may renew his allegiance and pledge his patriotism to its preservation. We thank Thee that a day has been set apart to memorialize the patriots in all the history of our past that we may cherish their memories and holy sacrifices in the preservation of our sacred heritage, and to inspire the living to emulate their deeds in this hour when patriotism is filling a large place in our country's needs. May the day indeed inspire our hearts and deepen our love for right and truth, justice, and liberty. In the spirit of Him who taught us faith, hope, and love. Amen.

The Journal of the proceedings of yesterday was read and approved.

ESPIONAGE AND NEUTRALITY.

Mr. WEBB. Mr. Speaker, I desire to present a conference report on the bill H. R. 291, commonly known as the espionage and neutrality bill, and also to file with it the statement of the managers on the part of the House, both to be printed under the rule for the information of the House.

The SPEAKER. The conference report and statement will be printed in the RECORD under the rule.

LEAVE TO PRINT.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to insert in the RECORD a resolution passed by the Commercial Club of Lewiston, Idaho, and another resolution passed by the board of county commissioners of Lincoln County, Idaho, at Shoshone.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

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

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXPLOSIVES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the explosives bill (H. R. 3932).

Pending the motion to go into the Committee of the Whole I would like to see if we can agree on time for general debate on this bill. There is no other business from the Committee on Mines and Mining, and I suggest that we have an hour of general debate.

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania [Mr. GARLAND] does not happen to be here at this moment.

Mr. FOSTER. The gentleman from Pennsylvania [Mr. GARLAND] is for the bill. The gentleman from Pennsylvania [Mr. STRONG] is here, and he is also for the bill.

Mr. MOORE of Pennsylvania. I understand he does not object to the bill.

Mr. FOSTER. I do not know whether there is any demand for general debate except on the part of some members of the committee who desire to explain the bill briefly.

Mr. MOORE of Pennsylvania. They desire only to speak on the bill?

Mr. FOSTER. Only on the bill. I ask unanimous consent for one hour of general debate on the bill.

Mr. STRONG. That will be plenty of time, I think.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that general debate on this bill be limited to one hour, and that the debate be on the bill.

Mr. CANNON. One-half to be controlled by the gentleman from Illinois [Mr. FOSTER] and one-half by those who oppose the bill, if there are any.

Mr. FOSTER. Certainly.

The SPEAKER. One half to be controlled by the gentleman from Illinois [Mr. FOSTER] and the other half by those who oppose the bill, if there are any.

Mr. FOSTER. And by the gentleman from Pennsylvania [Mr. STRONG], if there is no one opposed to the bill.

Mr. CANNON. I have not read the bill, and I do not know that I want to say a word, but if there is anyone opposed to it, opportunity should be given.

Mr. FOSTER. Oh, we will be glad to accommodate the gentleman. There is no disposition to shut off anybody.

The SPEAKER. Is there objection?

There was no objection.

The motion of Mr. FOSTER was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3932) to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes, with Mr. Housron in the chair.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, I object. The bill is very short. I think it should be read.

Mr. FOSTER. All right.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] objects. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That in time of war it shall be unlawful to manufacture, distribute, store, use, or possess smokeless powder, explosives, blasting supplies, and ingredients thereof, unless such manufacture, distribution, storage, use, and possession is in compliance with the provisions of, for the purposes set out in, and in the manner provided by the regulations authorized by the provisions of this act.

SEC. 2. That upon the passage of this act the President of the United States is authorized, empowered, and directed to prepare, make, and promulgate by public proclamation such rules and regulations in the interest of public safety as he may deem necessary governing the manufacture, distribution, storage, use, or possession for necessary and proper purposes in time of war, all such smokeless powder, explosives, blasting supplies, and the ingredients thereof: *Provided*, The President may by proclamation from time to time make such alterations, modifications, and amendments to such rules and regulations as he may deem necessary and which the public safety may permit or require.

SEC. 3. That in order to carry out the provisions of this act and the directions contained therein, the Bureau of Mines, Department of the Interior, with the approval of the President, is hereby authorized to employ such persons, without regard to civil-service requirements, and to fill such agents, agencies, and all officers of the United States and of the several States, Territories, subdivisions, and municipalities thereof, and the District of Columbia, in the execution of this act, and all agents, agencies, and all officers of the United States and of the several States, Territories, subdivisions, and municipalities thereof shall hereby have full authority for all acts done by them in the execution of this act when acting by the direction of the Bureau of Mines.

SEC. 4. That for the enforcement of the provisions of this act, including personal services in the District of Columbia and elsewhere, and including supplies, equipment, expenses of traveling and subsistence, and the purchase and hire of horse-drawn or motor-propelled passenger-carrying vehicles, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary.

SEC. 5. That any person or corporation who violates the provisions of this act, or any of the rules and regulations made, established, and promulgated under the provisions of this act, shall upon conviction thereof be subject to a fine of not more than \$5,000 and imprisonment for not more than three years, or both.

SEC. 6. That section 1 of this act shall take effect 30 days after the proclamation of the President promulgating such rules and regulations as he may deem necessary.

Mr. FOSTER. Mr. Chairman, this bill now before the committee is intended to regulate the manufacture, sale, storage,

and use of explosives under regulations to be promulgated hereafter by the President in case this bill shall become a law.

This matter came up first on a suggestion in the War Department. It was then taken up with the Secretary of War and the Secretary of the Interior, and at a conference of the manufacturers and users of explosives throughout the United States it was determined that some law of this kind ought to be placed upon the statute books during the continuance of the war, so that there might not be that indiscriminate use and sale of explosives which might cause loss of life and destruction of property throughout the United States. This bill is the result of conferences with these departments and of hearings held before the Committee on Mines and Mining.

Up to the present time, so far as we know, there have been no great explosions caused by the illegal use of explosives, but we do not know when such trouble may come and what destruction may take place. This bill is not intended to hamper in any way the legitimate use of explosives. We all realize that farmers in their work must use dynamite for blowing out stumps, cleaning ditches and work of that character, and that miners must necessarily use explosives in their daily work. So this bill will not hamper the legitimate use of these explosives that these classes of our people must have. It is only intended to reach a small fraction of 1 per cent of people throughout the United States, who may engage in the nefarious work of stealing explosives or making explosives in an illegitimate way to use them for the destruction of property, thereby interfering very much with the war. The bill in order to comply with the provisions of the Constitution has been taken up with the members of the Committee on Mines and Mining who are members of the legal profession, and I shall leave to them the explanation of that particular feature of this bill.

Mr. TOWNER. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. TOWNER. Is it thought that the regulations such as are contemplated under the provisions of this bill may prevent such explosions as occurred in New Jersey a year or so ago, opposite New York City, in which so much Government property was destroyed on Ellis Island and Governors Island?

Mr. FOSTER. That was by the illegitimate use of explosives?

Mr. TOWNER. I ask if it is expected that the regulations contemplated under this act will prevent explosions in the future.

Mr. FOSTER. I can not answer the gentleman for I do not call to mind what caused that explosion.

Mr. TOWNER. That was caused by the misuse of explosives or the careless use of explosives. I think it was loading them practically near an open fire.

Mr. FOSTER. Yes; the issuance of these regulations would tend to prevent that.

Mr. HICKS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. HICKS. I think that explosion took place not because of the use of explosives but because of the defective methods of handling. They were being placed aboard of a boat for transportation. Now will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. HICKS. Section 3 provides for the employment of persons taking charge of this work. About how many people does the gentleman think will be employed?

Mr. FOSTER. Not a great many.

Mr. HICKS. A thousand?

Mr. FOSTER. Oh, no; probably not more than 50 or 100.

Mr. RAKER. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. RAKER. The title of the act provides that it is to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, and section 1 seeks to deal with that provision. Section 2 authorizes and empowers the President to prepare such rules and regulations in regard to the manufacture, storage, and possession of explosives. This, I take it, is not intended in any way to curtail the manufacture of explosives that is so necessary in all mining.

Mr. FOSTER. Not at all; the regulations will not interfere in the least with the legitimate use of these explosives in the mines or on the farm.

Mr. RAKER. Nor the manufacture of them.

Mr. FOSTER. Not at all.

Mr. RAKER. The idea is to observe the places where they are manufactured, to whom sold, and who has them, so that we may keep an inventory of what the explosives are, how much there is, and in whose possession they are.

Mr. FOSTER. That is exactly what the bill is intended to do.

Mr. RAKER. And the fullest latitude that now exists will be accorded to the manufacturers to manufacture them, particularly for all mining industries.

Mr. FOSTER. Yes. I will say to the gentleman that I come from a mining district, and that the State of Illinois has 80,000 miners, and it is a union State. I have conferred with these miners, and there is no objection whatever as far as I have been able to find out.

Mr. RAKER. So far as the entire mining operations are concerned, there would be practically nothing except the rules and regulations as to their reception of it and a sort of inventory of the amount they got, which practically would not be a burden on them to comply with the rules and regulations.

Mr. FOSTER. Certainly not; and there is no intention to cast any burden upon them. It may result in their being a little more careful. But I want to say this: It came to my notice that in one zinc mine in the United States they found a miner carrying dynamite out in his dinner bucket, and upon a search of his room they found a valise full of dynamite. It is intended to prevent such occurrences wherever they may be.

Mr. RAKER. Let me ask the gentleman this question: Of course, this particular subject would be peculiarly within the province of the several States as to the handling of explosives?

Mr. FOSTER. Yes; but it is intended to cooperate with the local agencies everywhere throughout the United States.

Mr. RAKER. Does the gentleman remember now as to what States have laws for the proper regulations of explosives?

Mr. FOSTER. New York has a good statute, and New York City has the best regulations of any city in the United States. They have to have them, because they use a million pounds of dynamite in New York City in excavations. Since the great explosion at Los Angeles, the State of California has passed a most excellent law, I think the best State law in the United States on the question of explosives. They require there that men who buy dynamite, if they comply with the law—

Mr. RAKER. They always comply with the law, except somebody comes in from some other place.

Mr. FOSTER. They require that no man can buy dynamite for any purpose whatever unless he is known and vouched for by some one acquainted with him.

Mr. McKENZIE. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. McKENZIE. I notice in section 4 it provides an appropriation for expenses of traveling and subsistence and the purchase and hire of horse-drawn or motor-propelled passenger-carrying vehicles. I would like to ask if the purpose of that provision is to purchase vehicles for the purpose of hauling dynamite, or hauling the people who are to be employed under section 3?

Mr. FOSTER. Oh, the gentleman knows, I am sure, it is not intended to employ them in hauling dynamite. My colleague is facetious about that, I take it. The intention is that it may be necessary to secure a motor-propelled vehicle of some kind, or it might be necessary to hire it in the discharge of their duty.

Mr. JUUL. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. JUUL. Section 6 provides:

That section 1 of this act shall take effect 30 days after the proclamation of the President promulgating such rules and regulations as he may deem necessary.

What is the meaning of that?

Mr. FOSTER. I will say that when this bill becomes a law, if it shall, then there ought to be a reasonable time between the promulgation of the regulations and the going into effect, so that people might know the provisions. Three hundred newspapers of the United States have volunteered to give space in their newspapers to the notice of these regulations, so that everybody may know them.

Mr. JUUL. I wanted to ask the gentleman why this period for publication is limited to section 1 of the bill.

Mr. FOSTER. The publication is after the regulations, in case this should become a law.

Mr. JUUL. When does the act take effect?

Mr. FOSTER. Thirty days after these regulations shall have been issued.

Mr. JUUL. You say section 1 of this act shall take effect 30 days after the regulations have been issued. When do the other sections take effect?

Mr. FOSTER. They all take effect at the same time. At least, it was so intended.

Mr. JUUL. Would it not be wise to say that the act should then take effect?

Mr. FOSTER. Section 1 is the inhibition, the gentleman will notice.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GOOD. I want to call the attention of the gentleman to line 5, on page 1. I observe that the ingredients of smokeless powder are included among those things which it shall be unlawful to store. If we adopt this, we say that it shall be unlawful to manufacture ether or nitric acid; it shall be unlawful to store or use cotton. Cotton is the principal ingredient of smokeless powder.

Mr. FOSTER. I will say to the gentleman that he has raised a question which, I think, ought to be explained. We talked that over, and it was talked of in the hearings. There are many ingredients, many common ingredients, some of them too common, as the gentleman from New York [Mr. LONDON] suggests, that are ingredients of the most deadly explosives. We could not prohibit the handling of all of it, it is true, but there are certain essential ingredients that go into explosives. This can not regulate all of it, but it is intended to reduce it to the very minimum. The gentleman is right in calling attention to it, because that is an important thing, and if you would stop the possession of all these ingredients you would interfere with the daily life of the people, with the necessities of life, and you could not do that. There has to be some common sense used in the regulations, and I have no doubt it will be done.

Mr. GOOD. What I wanted to ask the gentleman was whether or not it would weaken the bill in any respect if the bill could be enacted into law if those words were stricken out?

Mr. FOSTER. Yes; I think it would, because there are certain ingredients which could not be controlled and sold under certain regulations, and if you strike that out, you strike out many of these that can be regulated in that way.

Mr. GOOD. I am unable to understand how you will practically operate it. Take cotton, for instance. If you enact this into law it shall be unlawful, then, to store or use cotton in time of war.

Mr. HAMLIN. Excepting under the regulations.

Mr. FOSTER. That would be taken care of in the regulations.

Mr. HAMLIN. The department will take care of that.

Mr. GOOD. The gentleman may be right, but—

Mr. FOSTER. Yes; under the regulations. The bill starts out making it unlawful to do certain things, but another provision says "except under the regulations."

Mr. GOOD. Of course, then it would be within the power of the President to prohibit the storage of alcohol, because it is one of the ingredients of smokeless powder.

Mr. FOSTER. The President is not going to do any such a foolish thing as that.

Mr. GOOD. But you give him the power to do it.

Mr. FOSTER. Yes; trusting him to be fair and do right.

Mr. TOWNER. If in themselves they are explosives, then it would not be necessary to refer to them as ingredients of explosives.

Mr. FOSTER. There are certain ingredients very necessary to the making of certain explosives, and those can be to some extent regulated.

Mr. WINGO. They are largely used for that purpose only.

Mr. FOSTER. There are some used for that purpose.

Mr. TOWNER. That are not in themselves explosives?

Mr. FOSTER. Not in themselves explosives.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LENROOT. As the language now stands in the bill, it would be a crime to have in possession or use any of these ingredients unless the regulations issued by the President covered every possible ingredient of an explosive. I do not wish to anticipate future action, but I want to ask the gentleman whether I am right in understanding that the committee will offer an amendment to this first section adding the words "not detrimental to the public safety."

Mr. FOSTER. Yes; we have an amendment that we have written, and the gentleman from Indiana [Mr. SANDERS] and the gentleman from Arkansas [Mr. WINGO] and others have considered that, and we propose to submit that to the committee for its consideration.

Mr. LENROOT. If that is adopted, that will remove all of these questions that are raised, because the ingredients by themselves could not possibly endanger the public safety.

Mr. FOSTER. Not at all.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman a question.

Mr. FOSTER. Just one moment. I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the

Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3932, and had come to no resolution thereon.

DISTRIBUTION OF AGRICULTURAL PRODUCTS.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I desire to make a very brief statement before submitting a unanimous-consent request.

The SPEAKER. The gentleman from Illinois asks unanimous consent for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. McKENZIE. On Saturday, while considering the food-survey bill, I offered an amendment providing that the men employed under the bill should not be exempt from military service. That amendment was unanimously agreed to by the members of the committee. On yesterday the gentleman from North Dakota [Mr. YOUNG] offered an amendment striking out the language on the last page of the bill preceding my amendment. And the enrolling clerk tells me that in striking out the language it carried out my amendment with it. Inasmuch as everyone was in favor of that amendment, I desire to ask unanimous consent for the present consideration of a resolution which will keep the amendment in the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 92.

Resolved, That in the engrossment of the bill (H. R. 4188) entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products" the Clerk be, and he is hereby, authorized and directed to insert as a new paragraph on page 6, after line 24, the following: "Provided, That the employment of any person under the provisions of this act shall not exempt any such person from military service under the provisions of the selective-draft law approved May 18, 1917."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

EXPLOSIVES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3932.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3932, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3932, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3932) to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman a question if he will be kind enough to yield.

Mr. FOSTER. May I inquire how much time I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 14 minutes remaining.

Mr. FOSTER. I would like to have the Chair notify me when 4 minutes have been used.

Mr. MILLER of Minnesota. This bill contemplates a very drastic method of handling explosives. Now, I want to direct the gentleman's attention to just two things. Carloads of explosives are used in the iron mines, for instance, of my own county every few days; also a large quantity of dynamite is used by farmers in clearing land.

Mr. FOSTER. Certainly.

Mr. MILLER of Minnesota. To turn the regulation and control of all these explosives that are so essential to these industries over to rules and regulations to be made by the President and to be enforced by a large number of agents to be appointed leads me to make the inquiry of the gentleman what the necessity for this is?

Mr. FOSTER. The necessity is to endeavor to prevent the illegal possession and use of explosives in time of war. And I would say to the gentleman there is not the slightest danger in the world in his community. I have a mining community, as has the gentleman from Minnesota, and I have talked with these miners, and they have not expressed the slightest objection. They approve of this bill. They say that it is not only a protection to the public but it is a protection to them, and it may prevent some man in the mines with a sort of nefarious

idea from wanting to destroy the mines. Throughout the United States in some of the great mines, and I know it to be true in my State, and probably in the gentleman's own State it is true, that these men who are operating these mines are somewhat uneasy as to what may occur to them.

Mr. MILLER of Minnesota. The gentleman's statement is absolutely correct. I am not criticizing the purpose of the bill.

Mr. FOSTER. And nobody will be troubled, but people will be expected to take the necessary precautions at a time like this. That is all.

Mr. MILLER of Minnesota. May I ask another question? This really affects mines in my district that are furnishing over 70 per cent of the iron ore in my State, and this comes as a surprise. May I ask the gentleman if the gentlemen who are operating coal mines and iron mines have had an opportunity to express their views to the committee?

Mr. FOSTER. They have; all we could get before us.

Mr. MILLER of Minnesota. Were any of the Lake Superior men before the committee?

Mr. FOSTER. I do not know that there were. I want to say this further to the gentleman, that the statement was made to the committee that before any regulations were to be put into operation the Committee on Mines and Mining should have an opportunity to see what those regulations were and to know what they were. There are on the Committee on Mines and Mining men who come from metal-mining States and were interested as the gentleman from Minnesota is. And I think he has a right to be interested. There are coal-mining districts of the United States represented, and they are to know something of what those regulations are to be.

Mr. MILLER of Minnesota. As I understand from the gentleman, then, the regulations before being promulgated are to be submitted to the committee for approval?

Mr. FOSTER. They are at least to know something about them. The question was definitely asked if that would be done, and the committee was answered that it would be done.

The CHAIRMAN. The four minutes have expired.

Mr. RAGSDALE. Mr. Chairman, I would like if the gentleman's time could be extended one minute, so that I can ask him a question.

The CHAIRMAN. The gentleman has the time.

Mr. BORLAND. The purpose of this bill is to prevent explosives from getting into the hands of undesirable persons. Now, the mere possession, as this bill says, of ingredients for explosives, not coupled with the intent of manufacturing explosives, would not be a violation of the regulation?

Mr. FOSTER. Not at all.

Mr. BORLAND. In other words, the gentleman is convinced that the regulations will be so drawn that there must be coupled with the possession of ingredients the facilities for the manufacture of the explosive?

Mr. FOSTER. Certainly. It would apply to a man having in his possession a quantity of ingredients without having any legitimate use for them. That would be the kind of a case it would apply to.

Mr. BORLAND. If he had the power of assembling them?

Mr. FOSTER. Yes.

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

Mr. FOSTER. Yes.

Mr. RAGSDALE. It is well known that cotton is one of the ingredients of smokeless powder. Would the gentleman object to incorporating into the bill a proviso to the effect that nothing in this bill shall apply to cotton?

Mr. FOSTER. No. I do not want to commence loading the bill down with that kind of amendments. There is no reason on earth for thinking that anyone in the United States would make the regulations so as to prohibit the buying and storing of cotton. I would rather not go into that. If I thought there was such a thing I would not be for this bill for a minute. But I am confident there is nothing in that.

I will say to my friend this: That if this bill passes and becomes a law and there are any regulations that prohibit the legitimate buying and storing of cotton I will be the first man to come in here and ask that the law be repealed.

Mr. RAGSDALE. Well, I am quite sure of that; but the trouble is this: That when the country has once lost its power over these matters, as has been the case heretofore, we have never been able to regain it, not since I have been here.

Mr. FOSTER. There is not a particle of danger as to that, any more than in the case of sugar or other ingredients that I might name.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield for one question?

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. CAMPBELL of Kansas. This is a matter of the most vital importance. I would like to have some information about it.

Mr. FOSTER. The gentleman from Pennsylvania [Mr. Strong] will have 30 minutes.

Mr. CAMPBELL of Kansas. Why not have the time extended?

Mr. FOSTER. I ask unanimous consent, Mr. Chairman, that the time be extended 30 minutes, 15 minutes to be controlled by the other side.

Mr. STRONG. I will give the gentleman five minutes.

Mr. CAMPBELL of Kansas. But I want to ask some questions of the chairman of the committee.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the time be extended—one-half to be controlled by the other side.

The CHAIRMAN. The time has already been fixed.

Mr. LENROOT. I suggest that you can grant unlimited time under the first section during the five-minute debate.

Mr. FOSTER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Strong] is recognized.

Mr. STRONG. Mr. Chairman, one of the important purposes of the bill which I did not hear discussed—and I do not know whether the chairman of the committee brought it out or not, there being so much confusion—is the making of regulations; and under the regulations which will be promulgated if this bill becomes a law will be one the purpose of which will be to make people more careful, if possible, of the manner in which they keep explosives in their possession. Take it in my district, for instance, and I presume it is the same wherever there are mining industries. There are magazines located out in the woods and in secluded corners, without very much protection, and very roughly constructed, easily broken into, where explosives may be stolen; and one of the objects brought out in the committee hearings was to try to regulate that matter, so far as it could be regulated.

It was agreed before the committee, when Mr. Manning, the Chief of the Bureau of Mines and Mining, was before us, that they would have hearings before the regulations were framed, and those engaged in industries using explosives would be notified. I know in my case I gave Mr. Manning the names of several of the leading bituminous coal operators in Pennsylvania and requested that they be notified, in order that they might appear before the bureau and discuss the regulations before they were submitted to the President for his signature.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. STRONG. Yes.

Mr. CAMPBELL of Kansas. Did the committee consider getting these regulations and proposed regulations and incorporating them into the law so that the country would know and the people affected would know just what the Congress was doing and what law the people would be expected to obey?

Mr. STRONG. Yes, Mr. Chairman; the committee considered that at length and discussed it at length with the representatives of the bureau, and it was concluded that the regulations would probably have to be modified from time to time to meet changing conditions or as new conditions would arise.

Mr. CAMPBELL of Kansas. Did the committee think it was wise to give any power to anybody to change or modify laws and regulations affecting the welfare of the people and their activities at will? This Government is not yet an imperial power, although we are fast contributing every vestige of right that has been reserved to the people or their representatives. Yet there should be some things held by the representatives of the people. [Applause.]

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. STRONG. Yes.

Mr. DYER. I want to invite the gentleman's attention to section 2, and in line with the suggestion of the gentleman from Kansas [Mr. CAMPBELL] criticizing this section because of the authority it gives to the President. I want to ask the gentleman whether or not he considers that the Congress of the United States has the authority under the Constitution to enact section 2 into law?

Mr. STRONG. It has.

Mr. DYER. The gentleman would admit that it could not be done in time of peace, and there is nothing connected with this section that refers to interstate commerce. It is entirely within the State; a matter that is entirely within the borders of a State; and it is intended to give authority to the President to

govern the Nation. Is that the idea of the gentleman and of the committee?

Mr. STRONG. The committee could not figure out any way by which we might frame a bill and put in regulations such as were necessary unless we should pass a law of this kind to clothe the President with authority to promulgate rules and regulations from time to time during the war as necessity for the same arose.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. STRONG. Yes.

Mr. SHERWOOD. Did this bill have the unanimous approval of the committee?

Mr. STRONG. Yes; it had the unanimous approval of the committee.

Mr. DYER. Mr. Chairman, will the gentleman permit another question?

Mr. STRONG. Yes.

Mr. DYER. The gentleman is acquainted with the bill that we had up here lately called the espionage bill. It was provided in that bill that the President should be given authority with reference to what should be published in the newspapers, having in mind the danger of certain information being used by the enemy to our detriment. Can the gentleman define the difference, if any, between that provision of the espionage bill and this provision with reference to private property of a different character and nature?

Mr. STRONG. I do not think that would apply.

Mr. DYER. I should like to have the gentleman answer my question if he can.

Mr. STRONG. I do not think I can answer that question.

Mr. LENROOT. Will the gentleman yield for a suggestion?

Mr. STRONG. Yes.

Mr. LENROOT. With the committee amendment to be offered to this bill there is a very radical change in this section, which makes it unlawful to have these explosives in use in any way that would be detrimental to the public safety, which brings it clearly within the line that was followed in the espionage bill, and thereafter merely left to the President the power to make rules and regulations to define that which is in the interest of public safety.

Mr. DYER. Will the gentleman from Wisconsin state what will be the difference between the espionage bill and this provision as amended?

Mr. LENROOT. Does the gentleman mean from a legal standpoint?

Mr. DYER. From the standpoint of public policy and the interest of the Government.

Mr. LENROOT. From the legal standpoint, they would be exactly on the same basis. From the standpoint of public policy the gentleman can form his conclusion as well as I can.

Mr. DYER. I hoped the gentleman would give his view.

Mr. RAKER. Will the gentleman yield?

Mr. STRONG. Not now. I do not want to take any more time in adding to what the gentleman from Illinois [Mr. FOSTER] has said, but I yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE], who wants to speak against the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is another of the bills giving extreme power to the President and taking out of the hands of Congress the further supervision of the matters referred to in the bill. It also does away with the civil service in the matter of the appointment of such employees as may be needed, up to the amount of \$250,000, which is herein appropriated.

Now, we are creating many new positions under the guise of war emergency, and this bill purports to be a war measure. The first paragraph sets out that it is—

Mr. STEELE. Will the gentleman yield there just a moment?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEELE. I was at a loss to know whether this bill was a war measure or not, because in the second section it says that the President shall promulgate rules and regulations in the interest of public safety. That would make it a police regulation.

Mr. MOORE of Pennsylvania. That would seem to be a police regulation, from my point of view.

Mr. STEELE. Now, the difference between this bill and the espionage bill, it seems to me, is this: The espionage bill related to regulations for the Army and Navy exclusively. This bill relates to private property within the borders of the States.

Mr. MOORE of Pennsylvania. Exactly.

Mr. STEELE. Where is the constitutional power in Congress to interfere with private property within the borders of a State, either as a police regulation or as a war measure?

Mr. MOORE of Pennsylvania. I will take the statement of the gentleman from Pennsylvania [Mr. STRONG] by way of illustration. He stated that certain manufacturers or persons in interest had appeared before the committee and indicated that this bill might prevent theft, and things of that kind. That is to say, somebody might surreptitiously get hold of some powder and then use it in an improper way, and this bill would tend to prevent it. If that is true, then the Government is going to spend \$250,000 for the employment of police officers for the benefit of the owners of munition plants and others. That is about what it looks like.

Mr. WHEELER. Then under the provisions of this act the President could say to a coal operator, "We want your powder houses guarded, and you must employ those whom we name to guard your powder houses. If not, you can not operate your mines." Is not that true?

Mr. MOORE of Pennsylvania. There may be something in that. I will say to the gentleman that this bill is one of the most loosely drawn bills I have ever seen. I say that with all due respect to the gentleman from Illinois [Mr. FOSTER], who brings it in.

Mr. WHEELER. Again, they could say to a reputable hardware dealer, who handles explosives, "We do not want you to handle explosives any longer," and that might be quite an important part of his business, and that would exclude him. He might be a reputable citizen and a reliable man in every way.

Mr. MOORE of Pennsylvania. That all depends on the President's interpretation of this law, if it is passed, because there is nothing in the law that informs the citizen, whether a coal operator or a farmer, who desires to use powder for blasting the roots of trees—there is nothing in this bill to inform him as to his rights. He must wait until the President issues his proclamation, and after that proclamation is issued the President may issue other proclamations, alterations, modifications, and amendments thereof.

Mr. WHEELER. Or the department may say, "You must employ certain men to guard your powder houses. If not, the property will be closed."

Mr. MOORE of Pennsylvania. That may be. The bill appropriates \$250,000 for the purpose of employing men who may be engaged without regard to the civil service.

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

Mr. MOORE of Pennsylvania. I yield to the gentleman from Kansas.

Mr. LITTLE. Section 1 lays down the rule of law. Section 2 provides that the President may make regulations to carry it out and section 5 provides the punishment for violating the rule of law and the regulations. But if you turn to section 3—

Mr. MOORE of Pennsylvania. If the gentleman will wait just a minute, I will call attention to the fact that section 5 provides for a fine of not more than \$5,000 and imprisonment for not more than three years, or both. It does not say "or." The man who violates this law is caught with both fine and imprisonment. That is unusual.

Mr. LITTLE. My question is this: Section 1 provides the rule of law, and section 2 provides for the regulations, and section 5 provides the punishment for a violation of both. Now, turn to section 3, and it seems to provide for the full enforcement of the rule of law, but not for anybody to carry out the regulations. It says that they shall have full authority for "all acts done by them in the execution of this act," but it does not say in execution of these regulations. Can the gentleman give the reason for that?

Mr. MOORE of Pennsylvania. I can not. Section 3, it seems to me, ought to be rewritten.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GREENE of Vermont. I was going to suggest that the regulations have all the effect of law when regulations of that character are authorized by statute.

Mr. LITTLE. That does not answer it, because section 5 provides for the punishment for violating both the law and the regulations, while under section 3 means to arrest are provided for one only.

Mr. MOORE of Pennsylvania. Mr. Chairman, I can not yield for further interruption. I suggest that there is absolutely nothing in the bill that informs the citizen as to his rights in the premises. Everything is dependent upon the proclamation of the Executive, as it applies to the use of explosives in every possible manner. A man may be using explosives, as I said a little while ago, to blow up stumps on his farm, but he does not know what his rights are and there is nothing in the law to inform him. Congress is abdicating in this instance, as it has

been abdicating in others, the power which under the Constitution it ought to retain.

Mr. GREENE of Vermont. Can the gentleman conceive of any law that might be authorized that will anticipate the remarkable degree of complication and differentiating circumstances under which explosives might be kept or used, so that the law would take care of every man that had explosives and say how he could be permitted to use them?

Mr. MOORE of Pennsylvania. The State laws take care of that.

Mr. GREENE of Vermont. Yes; but are they coordinating with the Federal policy in a time of war?

Mr. MOORE of Pennsylvania. Does the gentleman want us to confer on the Executive the entire control of the storage, care, use, manufacture of all explosives for private purposes as well as for war purposes?

Mr. GREENE of Vermont. I could outline some policy as to the use and care of explosives in time of war as incidental to the national defense so that there should be some coordination with reference to the husbanding of it and as to how it should be used and kept.

Mr. MOORE of Pennsylvania. Would the gentleman object to having that stated in the law?

Mr. GREENE of Vermont. I think the law should state the policy, but I think instead of trusting it to the widely different laws of the States—

Mr. MOORE of Pennsylvania. We have heard a great deal about the outrages committed, the blowing up of bridges by the illegitimate use of powder and dynamite, and yet the committee reports that no outrages have yet been caused by explosives that have been traced to such illegitimate use, and we are fortunate that no one has done so. The committee reports that nothing has happened, but that something may happen. There have been no outrages yet, according to the committee. Now, I call the committee's attention to section 3 and ask whether it had not better be rewritten or stricken out altogether. It provides:

Sec. 3. That in order to carry out the provisions of this act and the directions contained therein, the Bureau of Mines, Department of the Interior, with the approval of the President, is hereby authorized to employ such persons, without regard to civil-service requirements, and to utilize such agents, agencies, and all officers of the United States and to the several States, Territories, subdivisions, and municipalities thereof, and the District of Columbia—

At that point, it seems to me, it might be well to insert "for such purposes as they may be used," but that is not stated; it goes on—

in the execution of this act, and all agents, agencies, and all officers of the United States and of the several States, Territories, subdivisions, and municipalities thereof shall hereby have full authority for all acts done by them in the execution of this act when acting by the direction of the Bureau of Mines.

That is certainly a mixture of authority. The President apparently is eliminated from this particular section, and the State authorities, if that is what this section means, and the municipal authorities, and such agencies as are named in the bill, are to come under the direction of the Bureau of Mines. So after all we are not in reality conferring the power on the President—this wide supervision of public and private rights, this general oversight of all ingredients and materials entering into the manufacture of powder, but we are turning it over to the Bureau of Mines in a time of war. If we are to care for the public safety, possibly the Attorney General should be called in.

Mr. RAGSDALE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAGSDALE. Does the gentleman think, under existing law, that there is power conferred to use \$250,000 for the purchase of any kind of motor passenger-drawn vehicle for use anywhere in the United States, including the District of Columbia, at the will of the purchasing officer?

Mr. MOORE of Pennsylvania. If this bill came up in any other way than as a war measure, it is possible that paragraph would not be in the bill, because \$250,000 is a large sum of money, and this Congress has not been in the habit of appropriating it to the Bureau of Mines or any other bureau for the purchase of motor-propelled passenger-carrying vehicles. That provision comes in here under the guise of a war measure. The same thing is being done in several bills that are being presented to the House just now.

Mr. RAGSDALE. Does the gentleman think it is necessary, as in the case of Gen. Squires, of the War Department, that under the guise of taking care of aviation he goes out and buys three Super Six Hudsons in the District of Columbia?

Mr. MOORE of Pennsylvania. I do not know about that, but I can refer the gentleman to the testimony of Mr. McSparren, of the National Grange, read into the Record yesterday, which suggested that in war times a good many things "are slipped

over the farmer," for instance, in matters of appropriation intended for his benefit.

Mr. STRONG. Mr. Chairman, how much time is left on this side?

The CHAIRMAN. The gentleman has 13 minutes, and the gentleman from Illinois 5 minutes.

Mr. STRONG. Mr. Chairman, I will be glad to yield such time as any gentleman wishes who wants to speak against the bill. I want to add that I am not here to answer questions in a defensive way of this bill. I joined in the report, but personally I made a special request that the million of mining people from my district might be heard in regard to these proposed regulations. So you will understand my attitude toward them. I will be glad to yield time to any gentleman who wants to oppose the bill.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman a question. He is a member of the committee, and I know that he wants to advise the House. Will the gentleman yield?

Mr. STRONG. Yes.

Mr. RAKER. Did the committee or the gentleman go into the merits of the bill to determine whether or not if this becomes a law and the President promulgates rules and regulations that all of the State statutes would be subordinated to those rules and regulations and abrogated so far as they conflict with the Federal statutes and the rules and regulations?

Mr. STRONG. Yes; that was discussed briefly at one of the meetings which I attended.

Mr. RAKER. What was the determination of the committee upon that?

Mr. STRONG. I do not know that they came to any conclusion. I do not recall. The chairman perhaps could answer the question better than I.

Mr. RAKER. Has the gentleman come to any conclusion upon that himself?

Mr. STRONG. No doubt the State laws would be subordinated.

Mr. RAKER. Would the gentleman think that the laws of a State, which cover all of these questions as to the storage, transportation, sale, and handling, should be abrogated by rules and regulations?

Mr. STRONG. No; I do not think so. I think the laws in our State are sufficient as they are.

Mr. FOSTER. Was it not stated that it was the intention if this should become a law to use all of the local agencies and the State mine examiners and all those people?

Mr. STRONG. Yes.

Mr. FOSTER. There will be no trouble about that.

Mr. STRONG. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I believe there is a need for legislation of this character in connection with the war that our country is now engaged in, and with the committee amendments that I understand will be proposed to sections 1 and 2, I should support the bill so far as that is concerned; but so far as sections 3 and 4 are concerned, authorizing the employment of a large number of employees, the purchase of automobiles, and so forth, I can not for the life of me see what place or purpose that can have in this bill as a war measure. What is the public necessity for this bill? It is to protect public safety by providing a Federal statute, the violation of which will enable the Department of Justice to inaugurate a prosecution under the Federal law.

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

Mr. LENROOT. Yes.

Mr. RAKER. Just in line with what the gentleman has said, can the gentleman see any necessity for procuring any more employees to find out where explosives are that are now being used in the same method by the Department of Justice?

Mr. LENROOT. No; and if employees are to be used in connection with this matter they should be employees of the Department of Justice and not of the Bureau of Mines.

Mr. RAKER. Just one other question. The Department of Justice now having a large force in the field doing all this kind of work, does not the gentleman believe they could just add this right onto that?

Mr. LENROOT. Absolutely; and that is why I am in favor of striking out sections 3 and 4 of the bill.

Mr. RAGSDALE. Does not the gentleman think that it is an oversight that they did not provide in the section for passenger-carrying launches and yachts also?

Mr. LENROOT. I do not want to get away from my view that there is something in this bill that is necessary at this time in the public interest in this time of war, but it should be confined to that thing. For instance, here is a State that has no laws with reference to the regulation or use of explosives. We

all recognize the fact that conditions to some extent exist in this country where explosives may be used by enemies of the country, and there ought to be some method of reaching those cases under Federal prosecution, where the mere possession of an explosive under certain circumstances should be a crime, and for that reason I think that sections 1 and 2 as amended, and the penalty, should become a law; but so far as the large number of additional employees is concerned, it can not be justified, and there is no purpose in it so far as this war is concerned. If there be a purpose, it is wholly apart and outside of the war situation.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. KING. If the Bureau of Mines is charged with the responsibility of the enforcement of this act, upon what theory does the gentleman believe the employees ought to be under the control of the Department of Justice?

Mr. LENROOT. The Bureau of Mines ought not to be charged with the enforcement of this act any more than the Bureau of Mines should be charged with the enforcement of any other law relating to any unlawful act made a crime by the statutes of the United States. That should rest wholly with the Department of Justice.

Mr. GREENE of Vermont. Section 3, that the gentleman proposes to strike out, is the only place that carries authority for the Bureau of Mines.

Mr. LENROOT. That is all; so that if we strike out sections 3 and 4 it will remain a penal statute, where Federal prosecution may be inaugurated by the Department of Justice for the violation of a Federal law, and that is as far as I think the statute ought to go.

Mr. DYER. Mr. Chairman, I will ask the gentleman if the Committee on Mines and Mining would have any jurisdiction over the matter with the elimination of these things?

Mr. LENROOT. Then, I think, it should properly belong to the Committee on the Judiciary.

Mr. ROSE. Mr. Chairman, a question has been raised where State laws having to do with explosives may come in conflict with the laws of the United States, and I should like to have the gentleman state whether in every such case the State laws would be set aside.

Mr. LENROOT. I would state that if a State law permitted the use or possession of explosives in a certain way and the President, under the power conferred by this bill, should conclude and by regulations order that that kind of possession was detrimental to the public safety, the State law to that extent would be set aside.

Mr. STRONG. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, this statute is a punitive one. It makes a law and it provides there may be regulations which the President can issue to enforce the law. In section 5 it provides punishment for violation of "the rules and regulations." In section 3 it provides for the people who shall be authorized to enforce the statute, particularly the State officers and municipal officers, and it says that these people "are given full authority for all acts done by them in the execution of this act." But it does not say they are given full authority to enforce "the regulations." It has been suggested by my learned friend from Vermont [Mr. GREENE] that the regulations would go with the law as part of it. The fact is just the opposite. The penal statutes are to be strictly interpreted, and if a man were arrested by a State officer for the violation of "the President's regulations," and the fellow should claim he was arrested in pursuance of this section 3, if I were his attorney or the gentleman from Vermont were his attorney, we would say the officer had no authority to arrest. You have no authority to enforce the regulations, and under a punitive statute, if strictly interpreted, the man would get off. If you want to enforce "the President's regulations," you should insert, after "act," the words "and the regulations made thereunder."

Mr. McKEOWN. I would like to ask the gentleman if he is familiar with the statute regulating the flight of migratory birds of this country and if that is not a penal statute and has been enforced?

Mr. LITTLE. I regret to say that I am not familiar with that statute. I never went hunting in my life. I have several letters from my constituents in regard to that, and I will have to look it up.

Everybody who has tried a criminal case knows that this statement of the use of a criminal statute is the law. You can not send a man to jail unless he is absolutely within the limits of that statute.

Mr. GREENE of Vermont. I am not a lawyer—

Mr. LITTLE. I beg pardon. I did not intend to slander the gentleman.

Mr. GREENE of Vermont. You can not slander me.

Mr. LITTLE. That accounts for your answer to my suggestion—the fact that you are not a lawyer.

Mr. GREENE of Vermont. That may be, and it perhaps may be accounted for in another way, namely, that in many other statutes here the act of Congress expressly authorizes some executive officer to promulgate regulations for the purpose of carrying the act into effect, and I have always been informed here that that authority made those regulations so promulgated a part of the act, to all intents and purposes, and that courts took notice of them as such.

Mr. LITTLE. Those were civil statutes, I presume.

Mr. GREENE of Vermont. That may be the explanation of it.

Mr. MILLER of Minnesota. Does the gentleman seriously contend that if Congress passes a law authorizing an executive officer to make regulations under the law and prohibiting violations of the rules and regulations with a penalty attached, a man can not be convicted of a crime for violating the regulations?

Mr. LITTLE. The gentleman heard what I said. They could try the man all right, unless he hired a lawyer. But an arrest, by men named under section 3, for defying the President's "regulations" would be void.

Mr. MILLER of Minnesota. Providing it is the authorization of the statute—that is, the rules and regulations, where a man was authorized to make them.

Mr. LITTLE. If a man should be arrested by some one specially empowered by this section 3, they would have to let him go. There is no authority under section 3 to enforce the regulations.

I think this section 4 should be knocked out. I do not think they should spend \$250,000 here. There are enough peace officers now to enforce it. You have all the power of the United States marshal's office. You have appointed the State and municipal people your agents to enforce this statute. Why spend a quarter of a million dollars "in the District of Columbia and elsewhere" for special officers and automobiles and "general expenses"? Who is to expend \$250,000? How many autos will it buy for "the District of Columbia and elsewhere"? Why was the "elsewhere" inserted? Evidently an afterthought. This Government probably has more automobiles in this city right now than in all its "elsewhere."

We appropriated \$14,000,000 yesterday and nobody here or in the department could tell just what it was all for. Gentlemen, when bread is 15 cents a loaf, \$250,000 is a lot of money. We should be husbanding the resources of this Republic; not filling every hand that is thrust at us. Before long this money will be needed for the boys at the front. This money will be furnished by people who are moving heaven and earth to provide their families with food and clothes. I am opposed to spending any of it for the purposes named in section 4, when this country has plenty of peace officers. Tell your troubles to the police. There is too much money used for red tape and incidentals already. Why should the Bureau of Mines have a lot of automobiles?

These continual grants of exceptional authority to clerks all over Washington, under guise of giving power to the President, are of very doubtful propriety, anyway. This Congress is here by authority of the Constitution. This is the day of a great emergency, and I think it time this House meet the responsibilities the Constitution lays on the House. It is becoming evident you will eventually be compelled to exercise your constitutional powers, as do the Parliaments of Great Britain, France, Russia, and Italy. What would Thad Stevens and Charles Sumner, Sam Randall, and Holman say to a Congress which shirked its responsibilities, abdicated its constitutional functions, voted billions to staffs and bureaus, gave them carte blanche to conduct this great Government, and explained that the daily press said we must do as we are told? There is no excuse for appropriating this \$250,000. We will need the money much worse "elsewhere."

Mr. FOSTER. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. HAMLIN].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. HAMLIN. Mr. Chairman and gentlemen of the committee, it has been said here this morning that this is a drastic bill. I agree to that. I want to remind the committee that we have not considered any other kind of bills since the beginning of this extraordinary session. We will not pass any other kind, in my opinion, between this time and adjournment. These are drastic times. War is drastic. And I want to remind gentlemen that we are passing through what may be termed the transition

period. For years we have been legislating under normal conditions. Scarcely a measure which has passed this House in the past two months would have received a moment's consideration if conditions had been normal.

We may as well make up our minds now that we have got to face conditions as they actually exist; that war can not be conducted by town meetings. War is inimical to democracy. It must be conducted in an autocratic way. No general in command of an army can afford to submit the next move to a referendum. Power has got to be lodged with some person in supreme control, who will be able and have the intelligence to meet conditions as they are confronting him day by day and hour by hour.

Now, some object to lodging this great power in the President. This law provides that the President may make certain rules and regulations to carry out the intentions or provisions of this bill. I can not bring myself to believe that there is a man upon the floor of this House who doubts the intelligence or patriotism of the President. It is ridiculous for anybody to intimate that the President of the United States will promulgate a regulation that would make it a crime for a southern planter to have in his possession a bale of cotton. It is ridiculous to conclude that he is going to hold as criminal the Du Pont Powder Co. because they have a certain amount of explosives in their possession.

Mr. RAKER. Will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. RAKER. I find a statement from an expert here—

Mr. HAMLIN. Just a question.

Mr. RAKER. It is a man who says that the most powerful explosives can be made from ingredients usually accessible in any drug store or elsewhere. In other words, that the drug stores in all places now have all the ingredients that may be used for explosives.

Mr. HAMLIN. The gentleman must not take my time with a speech.

Mr. RAKER. Would this provision require regulation of all the drug stores, too?

Mr. HAMLIN. No, sir. I do not regret that the gentleman asked the question. If I had time, I had intended to speak of that. The prohibition of manufactures referred to in this bill does not and will not in any sense affect the legitimate manufacturer; but it did develop before the committee, through some testimony that we felt ought not to be printed, that there are certain things of everyday household use that, combined in a certain way, makes the very highest possible explosive, and there are some people, according to the evidence given before the committee, that in common parlance we call "crooks," who are wise to that fact. Much of these explosives can be and will be, perhaps, manufactured illicitly.

Now, then, the purpose of this law is to give authority to the President—of course through some executive department—to hunt out or run down these criminals and prevent the manufacture in this illegitimate and illicit way of explosives to be used for evil purposes.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from North Dakota?

Mr. HAMLIN. In a moment.

Gentlemen must not forget and this country must not forget that, while we love each other, our population is a cosmopolitan one, and that out of the 100,000,000 people there are here and there black sheep, men who do not love the Stars and Stripes, men who do not even regard their own lives; and while we can not absolutely and entirely prohibit the unlawful manufacture of these explosives and the illegitimate use of them, we do hope by this law, by regulations that would be promulgated, to reduce that illegitimate manufacture and use to the least possible minimum.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. I will ask unanimous consent to extend my remarks, in the hope, however, that I may be able to finish what I wanted to say under the five-minute rule.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in time of war it shall be unlawful to manufacture, distribute, store, use, or possess smokeless powder, explosives, blasting supplies, and ingredients thereof, unless such manufacture, distribution, storage, use, and possession is in compliance with the provisions of, for the purposes set out in, and in the manner provided by the regulations authorized by the provisions of this act.

Mr. HAMLIN, Mr. RAKER, and Mr. MILLER of Minnesota rose.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] will be recognized first.

Mr. HAMLIN. Mr. Chairman, I think I can conclude what I wanted to say in five minutes. The purpose of this bill is to make it impossible, or as difficult as possible, for those who have evil purposes to procure these explosives. Now, I appreciate and I am in sympathy with the interests of gentlemen, like my friend from Kansas [Mr. CAMPBELL], who have great mining industries in his district, and the gentleman from Minnesota [Mr. MILLER] and others, in not wanting the legitimate business that is being prosecuted in their districts to be interfered with. There is absolutely no intention—and I am sure not a single member of that committee had the intention when he voted to report this bill—to interfere with any legitimate business; but there came before that committee men engaged in the legitimate manufacture of explosives, representatives of the Du Pont Powder Co. and also representatives of the miners, who had looked into this matter, and with one accord they advocated the reporting of a bill such as this, with the hope that the illegitimate use of these explosives could be prevented in this country in these times of war.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. HAMLIN. Yes.

Mr. RAKER. Was it not the consensus of opinion of at least three of these experts whose testimony I have read that in each community there should be appointed a committee of safety of reputable citizens to look out for the operation of these regulations, and that was held as being a perfectly feasible thing to do, and one that would accomplish much in achieving the end we seek? In other words, pass your laws and regulations, and then enforce them like any other criminal statute. Was not that the consensus of opinion before your committee?

Mr. HAMLIN. I will not say it was the consensus of opinion of the committee, but it was the intention of the committee to make provisions, either by this law or by regulations under it, and to properly enforce them and carry out the intention of the law.

Some suggestion has been made here with reference to sections 3 and 4 as to certain employees—

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. In just a moment, when I have finished this sentence.

Mr. CAMPBELL of Kansas. I want to hold the gentleman to section 1. We will have an opportunity later to get to sections 2, 3, and 4.

Mr. HAMLIN. I want to say that, so far as I am concerned, as a member of this committee, I am not wedded to section 4. If it is the judgment of the committee as a whole that this law can be enforced without it, well and good; but there must certainly be somebody provided to look after this matter and ferret out this illegitimate and illicit manufacture and production and distribution, and so forth. It came to the knowledge of the committee that once in a while you would find a miner whose daily work was the handling of dynamite, but under the regulations of the mines he was not presumed to have possession of it except when he went to his work, and then he was required to account for the amount of dynamite given him that morning, either by having exploded it or returning it when his day's work was done. But it came to the knowledge of the committee that sometimes a miner was found who would smuggle away some portion of this dynamite and store it away in his home. Somebody has got to look out for these things. If it can be done with the machinery already at hand, I, as one member of the committee, have no objection.

Mr. CAMPBELL of Kansas. What I wanted to know was this: Whether the committee considered the enactment of a law without giving authority to the President to make proclamation?

Mr. HAMLIN. Yes.

Mr. CAMPBELL of Kansas. Why was not that done?

Mr. HAMLIN. I am glad the gentleman asked that question. It is for the reason that it is a physical impossibility for this committee or this House to sit down here and write a law that would perhaps fit a precise situation that would endure throughout the progress of this entire war. I think the gentleman will appreciate that as we carry out the provisions of this law there will be a situation presenting itself different from that which we have in mind now, and that the law we enact here would not cover every condition which might develop. Therefore we put in this bill the right of the President to change from time to time these regulations to meet the changing situation. This I regard as necessary.

Mr. RAGSDALE. Mr. Chairman, I have always been willing, and am willing now, to delegate to this administration and to the centralized powers that we have here sufficient authority adequately to take care of the serious condition that confronts us. But there are some matters, it seems to me, that at this time need our careful consideration. It seems to me that the enactment of blanket laws, without any specific limitation, carrying certain sums of money to be spent at will here at Washington, at a period of time when we are taxing the people of this country more heavily than they have ever been taxed before, ought to have our most careful consideration. [Applause.]

Why should we to-day delegate the authority under section 4 to expend the sum of \$250,000 here in the District of Columbia for horse-drawn or motor-propelled passenger-carrying vehicles? Recently I went down in front of the War Department, and I saw a very handsome Hudson Super Six car. I walked around to the Army and Navy Club shortly afterwards and saw its mate, another handsome seven-passenger Super Six car, the kind manufactured by Mr. Howard Coffin, who is doing great service for our country here. I went to another place, and I found a third car of the same type. I asked, "Whose cars are these?" I was told, "These are cars recently purchased by the Aviation Corps. The Aviation Corps needs these cars for use in the District of Columbia." Why should the Aviation Corps or any other one department here suddenly need three handsome seven-passenger Super Six Hudson cars?

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. RAGSDALE. Yes.

Mr. MILLER of Minnesota. When did we appropriate the money for these cars?

Mr. RAGSDALE. I do not know of any specific authority, nor have I been able to learn of any specific authority for their purchase. Sitting on the front seat of each one of these cars was a private of the United States Army in United States Army uniform, fine-looking fellows, sitting up there as chauffeurs for these distinguished gentlemen to ride in great state around to the various buildings and in the city of Washington, to inspect the Aviation Corps.

Mr. MOORE of Pennsylvania. Is not a Hudson Super Six a flying machine?

Mr. RAGSDALE. It comes pretty near it on a good road. It hits it up pretty smoothly, and it is one of the most agreeable cars in which to ride. You know they are used sometimes even in high society, to go to pink teas, but just what they add to the Aviation Corps I am unable to say.

Mr. NORTON. The gentleman owns one of those machines, does he not?

Mr. RAGSDALE. Yes; but it is paid for out of my money and not out of the money that is being wrung from the taxpayers of the United States. [Applause.] And there is not sitting on the front box of it a man in the uniform of the United States Army at a time when we need them all at the front with the flag, when we need them so badly that we have passed conscription laws to go into the homes of the people of this country and take therefrom the boys of the fathers and mothers in order to defend their country, and not to drive Hudson Super Sixes around the District of Columbia. [Applause.]

Mr. Chairman, this body intrusted with the power that it has, this body that is delegating so great power to-day and taxing the people of this country as it is, should stop and think before it goes further, and see how this money is to be used that it is wringing from the people—the manufacturers, the laborers, the farmers, the people of all classes, who now comprise the great American Nation that must win the battle of democracy if it is to be won at all. [Applause.]

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am in hearty accord with the purposes of this bill. Legislation of this kind is bound to work beneficially. We have legislation of a similar character in the States in regard to narcotic drugs, opium, and other poisons. We have in some States laws in regard to explosives. They work well and are enforceable just like the law that makes it a crime to steal. You enforce the law concerning explosives just like you enforce the law prohibiting a man from committing a criminal trespass on your property or from tearing down your fence. The Legislature of California passed an act on this subject, and it ought to be used as a semi-model on this subject before we get through. That is the act of March 21, 1911, California Statutes of 1911, page 391.

Notwithstanding that legislation there have been bomb explosions since the enactment of that law, since the destroying of the Times Building at Los Angeles. One of the gentlemen who appeared before the committee said that after the enactment of the California law there were no explosions of bombs that he had heard of destroying people; but he had overlooked the fact that

this law is just like the law against murder. It is unlawful to take a man's life; but there are men's lives taken every day, and it is murder. It is unlawful to steal, and yet thefts are committed every day. It is unlawful to burglarize a man's house, yet burglary is committed every night, as well as breaking into houses in the daytime. Notwithstanding the stringent law concerning explosives, people on Market Street in San Francisco were destroyed last year by a bomb exploded in broad daylight. Now, I simply call the attention of the committee to that for this purpose—

Mr. FOSTER. I will say to the gentleman that as the testimony shows it is impossible to prevent all these explosions. So it is impossible, as the gentleman says, to prevent all murders, but this is intended to try to reduce these crimes to the minimum.

Mr. RAKER. Yes; and I want to go on and illustrate. Every criminal statute has been violated from the time it was enacted down to the present day. If crime was not committed, there would be no need for the statute. But the statute is intended to deter men, to prevent the recurrence, to put the fear of God in the hearts of men as well as the fear of the law. Now, what I want to get at is this: This ought to be a plain, clear, penal statute. When the authority is given to the President to make rules and regulations, those rules and regulations when issued become a penal statute. There is no question on earth about that. In other words, you can not do indirectly what you can not do directly. Being a penal statute, it ought to be clear and specific, as it is in the States where such legislation has been enacted.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. I ask for five minutes more, because I want to complete this thought.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DYER. Will the gentleman yield?

Mr. RAKER. I can not yield just now. I want to ask the committee if it is wise to place a drastic penal statute on the statute books and take from all governmental officials, not only in the United States but in the States, municipalities, and counties, the enforcement of the law? Do you want to take it from the sheriffs, and change the functions of the district attorneys? Do you want to change the functions of the many special agents under the Department of Justice now at work on all the penal statutes by these provisions? You ought to make it harmonious, make it a strictly penal statute, so that when the special agents under the district attorney's office is investigating the violation of a law on one subject he will find the man who has violated the explosive statute.

Mr. HAMLIN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. HAMLIN. Has the gentleman's attention been directed to the third section, which provides that all officers of the United States and of the several States, Territories, subdivisions, and municipalities shall hereby have full authority for all acts done by them in the execution of this act when acting by the direction of the Bureau of Mines?

That contemplates the use of the very agency that the gentleman is talking about.

Mr. RAKER. Here comes the question. We have got all of this machinery from the constable up through the various grades in the States. We have all the agencies in the National Government to enforce the various laws, and when you have designated that the handling of certain explosives and the storage of them shall be unlawful, will not all the citizens in the community in which you live know the man that is violating the law, just as they know the man that steals your property, will know that it is unlawful to transport it in a certain way and store it in certain places or having certain quantities in their possession, and will they not know it and report to the police officers and to the citizens, and will not the special agents and others immediately investigate it and find out the facts and punish the man, just like every other man who violates any other penal statute is apprehended?

Now, I want to call attention of the chairman and the committee because I want to help them. I would like to see them put a drastic law on the statute books that will be workable and that will not create any new officers. We do not need them, we have a corps of officers that will make the law effective.

No man, I care not who he is or where he comes from, can be in favor of permitting a man to use explosives unlawfully. Why, it is said that a man can go to a drug store and purchase

materials to make the most powerful explosive. Let us not, Mr. Chairman, create a new bureau, create a new department to enforce a criminal law. It is unlawful under the statute to sell liquor to a man in uniform. Do you want a special bureau and agents to enforce that law? No; the man that sees him sell it to the man knows that he is guilty and can prosecute him in some way. It is unlawful to be within a mile or a mile and a half of an arsenal. Do you want a body of men to enforce that regulation? No, gentlemen; you ought to take the officers that we already have to enforce these penal statutes. This bill can and should be amended to make it workable. There are amendments suggested that will add much to the workability of this proposed law, and we should see to it that it is done and then pass the bill.

Mr. HUDDLESTON. Mr. Chairman, I do not see why this bill should come from the Committee on Mines, headed by the distinguished gentleman from Illinois whom we all esteem so much. It has no particular relation to the business of mining.

In the community in which I live there are 25,000 miners. Nearly all of them live in my county, and I am their spokesman and representative here. Naturally I feel a great interest in anything that affects their interests so intimately as explosives. On an examination of the bill I find that it does not relate to mining any more than to many other callings. It touches the miner, it is true, but it touches as well the farmer who would blow up his stumps, and the man who would go into the fields with a few cartridges in his pocket to hunt. It touches even the boy with a bunch of firecrackers who would like to set them off on a holiday. In other words, we are here delegating to the President of the United States, not to the present President, but to any President, not during this war only, but during any war, the power to make regulations which would affect the lives of a great part of our people. Not only does it affect explosives and their manufacture, but it affects the occupations of everybody who is connected with the handling of the materials going into the explosives. It touches the man who has cotton in his possession, the man who has glycerine, perhaps even the man who has a pile of sawdust which might be the basis for the mixing of dynamite. It touches the blacksmith who has a little charcoal to make a fire in his furnace because it may be made into powder.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. MILLER of Minnesota. Does the gentleman know that ordinary earth is an ingredient of dynamite?

Mr. HUDDLESTON. Yes; certain kinds of earth.

I would say this: I would favor a proper law regulating the handling of explosives, but we are not passing a law when we pass this bill. We are merely abdication; what power the Congress has. [Applause.] Worse than that, we are turning the power over to a bureau, and, worse than that, we are turning it over to some little whipper-snapper agent from the Bureau of Mines who will be going over the country and abusing the power that Congress has delegated. [Applause.]

Mr. FOSTER. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. FOSTER. The gentleman's own State provides that the railroad commission shall provide regulations, and if they do not follow them they are punished.

Mr. KNUTSON. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. KNUTSON. Section 2, line 6, provides regulations for the storage of material. Could not the Government compel the farmer to store his cotton in a brick building?

Mr. HUDDLESTON. Under this bill the President of the United States can make a regulation which would require a man to do anything which he might deem proper in storing, handling, or using cotton, charcoal, glycerine, or anything else that enters into the manufacture of explosives.

I oppose the bill because it is unconstitutional. It is an invasion of the rights of the States to control their own police powers. The fact that war is going on now is not the reason for this legislation but the excuse for it. That is the situation. By the bill it is not intended to prevent the enemy from making encroachments upon our territory. We are not called upon to enact it to defend ourselves from a foreign foe. The purpose of the bill is to defend ourselves from our own people. It is to preserve order. I quite applaud that purpose, but under our form of government it is a purpose that belongs to the separate States. The police powers belong to the States, and the National Government should not take advantage of the occasion of war to usurp powers which the founders of the Republic wisely and justly gave to the States exclusively.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. LAGUARDIA. Can not the same be said about the food-survey bill that we passed yesterday?

Mr. HUDDLESTON. I do not think so.

Mr. LAGUARDIA. How would the gentleman differentiate?

Mr. HUDDLESTON. I have not time to take that up now. I will let the gentleman reach his own conclusions about that. The passage of this bill will constitute usurpation on the part of the National Government under the guise of a war measure of the police powers that belong to the States. The purpose of the bill is to promote public order and peace, and those are matters which are exclusively within the province of the States. The purpose of the bill is to control the activities of the citizens of this country, our own people right here at home. Never should we take advantage of the occasion of war in order to cut off rights and liberties that belong to ourselves.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. GREENE of Vermont. Does not the gentleman from Alabama make this distinction: That whereas the statutes which in normal times regulate the use or storage of explosives are properly a part of the police powers of a State, yet in a time of war all of the States collectively, regardless of their independent statutes, are under attack, and there must be some way of coordinating the means of defense?

Mr. HUDDLESTON. The question of interstate commerce of course is a matter of vital interest to all of the public, and the blowing up of a railroad bridge necessarily affects that; but it is sometimes done in time of peace in course of strikes, and at various other times of disorder. If the gentleman can justify this bill under the present circumstances, he could justify a bill which would place in the hands of the Government the power to control and regulate the use of explosives in time of peace on the ground of protecting interstate commerce.

I object to this bill because it is unconstitutional. It is a mere subterfuge. It is intended to do something that the States have done from the very beginning of this Republic. We ought not now to lose those powers that the States have reserved to themselves.

Next, this bill, as I have said, is merely an abdication of the power of Congress. If Congress is going to regulate the handling of explosives, let us here take hold of the subject boldly and handle it ourselves. There are surely some things that Congress can do with reference to explosives, some laws that we can pass that will be proper and wise. Why should we delegate all of our functions and powers to a bureau?

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. COOPER of Wisconsin. The gentleman is aware that chapter 9 of the Criminal Code of the United States deals exclusively with explosives and the regulation of their transportation, and so forth?

Mr. HUDDLESTON. Oh, yes; it has to do with that subject.

Mr. COOPER of Wisconsin. Would this bill, if enacted into law, enable the President to make a rule or regulation that would repeal any portion of that?

Mr. HUDDLESTON. I would not like to pass upon that legal question, but undoubtedly the purpose of the bill is in conflict with that chapter. If Congress was able at that time to pass suitable laws, why can we not pass them now? I can not see any reason for turning this power over to the President.

I object to the bill further upon the ground of public policy. I am not willing to pass far-reaching laws such as this purposes to be, and such as this contemplates the regulations would be, laws which would make it unlawful under heavy penalties, as proposed in this bill, to do ordinary things in connection with the use of explosives. A coal digger with a piece of fuse a foot long in his possession left over from his previous day's work might have to go to the penitentiary. A boy with a few cartridges in his pocket going bird hunting might have to go to the penitentiary. Are you going to take away from the people their right to do these ordinary things? Their rights are not safeguarded here.

The Constitution of the United States seems to be a very unpopular instrument these days, but perhaps it has not been wholly forgotten in this House. I want to call the attention of the Members of the House to the fact that the Constitution guarantees to every American citizen the right to bear arms.

Under this measure—and I call the fact to the attention of the committee for their serious consideration—the President can say, "Oh, yes; go on and bear arms as the Constitution gives you the right to do; but you shall not have any ammunition for your guns. You may bear arms; you may have a shillalah or a brickbat or some other weapon; you may even carry a gun on your shoulder, but you can not have any ammunition." Are you willing to take away from the American people the right to have a gun in the house? Have we come to that, that we are willing to take away from the people of this country under such a subterfuge as is presented here the right to have a pistol and cartridges in the home for protection from burglars?

Are we to have agents of the Government obtruding themselves into the people's homes, searching for ammunition and for explosives, abusing the forbearance and patience of the people? I submit if we do not intend that we should not pass any such far-reaching bill as this.

Mr. JUUL. Will the gentleman yield?

Mr. STERLING of Pennsylvania. Does the gentleman think, even admitting some of the unreasonable regulations that the President might make, that the President in a time like this should not have the right to make them?

Mr. HUDDLESTON. Does the gentleman think the President ought to have power to forbid a citizen from having a pistol and cartridges in his home? I have no doubt such a regulation may be adopted if this bill is passed.

Mr. WINGO. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WINGO: Section 1, page 1, amend by striking out, in line 5, the words "unless such"; also by striking out lines 6 to 9, inclusive, and inserting in lieu thereof the following: "In such manner as to be detrimental to the public safety."

Mr. WINGO. Mr. Chairman, I suggest the Clerk read the section as it will be if the amendment is adopted.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

That in time of war it shall be unlawful to manufacture, distribute, store, use, or possess smokeless powder, explosives, blasting supplies, and ingredients thereof in such manner as to be detrimental to the public safety.

Mr. WINGO. Something has been said about State rights. I do not think that question arises in this case. There may be some question whether or not Congress, under the war power granted to it by the express grant of the Constitution and the implied powers flowing from that grant, can enact such a law as this; but if it has the power, and I believe it has, the exercise of that power is not dependent upon nor does it conflict with the rights of the States. I am a firm believer in the doctrine of State rights, but I am not blind to the facts of history, which point conclusively to the inability of the States as separate units to wage war in defense of collective national rights and for the welfare of the entire Nation. The framers of the Constitution had just been through the Revolutionary War, with the sad experience of the Colonies fighting separately, and that experience demonstrated the necessity of forming a Union in order to provide for the common defense; and in framing the articles of that Union, called the Constitution, they expressly granted to Congress the power to declare war, and I am convinced that flowing from that express grant is the implied power to do all things necessary for the successful prosecution of the war and to protect the public safety against those dangers that are incident to war. Of course such power must be exercised in a manner consistent with our institutions and form of government as established and set out by the Constitution as a whole. If under the Constitution the Federal Government and not the State governments have the power to defend the Nation against the danger of a bomb thrown by soldiers of the enemy, then has not Congress the power to provide for the defense of public safety against the bomb thrown by a spy of the enemy? And if Congress decides that the best means to guard against this danger is by control and regulation of the manufacture, sale, use, and possession of the explosives that compose the bomb, is not Congress acting within the scope of its constitutional power?

But gentlemen say that by such laws as this the people's liberties are destroyed. I can not agree with such a proposition. There is no foundation for such a fear. I not only believe in liberty, but I have faith in the ability of this Nation to use its liberty. I am not one of those men who are afraid that we are going to lose our liberty by exercising it. I repeat it; I am not one of those men who are afraid we are going to lose our liberty by exercising it. If the Representatives of the people, for the benefit of the people and in order to insure the public safety in time of war, want a statute like this, it will not endanger the

liberties of the people to give them the protection of such a statute.

Mr. JUUL. If I understand the situation correctly, it is not that the gentlemen here object to the passage of a criminal statute, but it is the fact that the bill asks this bureau to pass a criminal statute, or, rather, allows the Bureau of Mines to enact one.

Mr. WINGO. I know what the gentleman's objection is.

Mr. JUUL. Are we not asking to-day to enact a criminal statute, the details of which criminal statute are to be determined on later?

Mr. WINGO. No.

Mr. JUUL. Are we not shutting our eyes here and saying to another body, "You go and enact a criminal statute that we have voted 'yea' on here to-day?" Is not that the effect?

Mr. WINGO. No; that is not the effect.

Mr. JUUL. Then I do not understand the bill.

Mr. WINGO. If the gentleman will not use all my time, I will try to explain the bill.

Mr. JUUL. I am trying to make myself clear. The gentleman and myself are trying to travel along the same line.

Mr. WINGO. The gentleman has made himself clear. Are we delegating to the President the power to make a law and punish anybody who violates it? That is the gentleman's question.

Mr. JUUL. What is the law? Will the gentleman tell me?

Mr. WINGO. If the gentleman will just permit me to, I will.

Mr. JUUL. If the gentleman will tell me now what it is that is made unlawful—

Mr. WINGO. All right. I am going to do it if the gentleman will permit me to do so.

Mr. JUUL. It is not in the bill yet.

Mr. WINGO. Now, let us see. This proposition gave the committee, and every lawyer on that committee, considerable concern. Not only did it give us concern from a legal standpoint but from the standpoint of those who are jealous of and do not propose to delegate authority to anybody as long as it can be escaped. I am not only opposed to delegating power to the President to legislate but I am in favor of the legislative body enacting even administrative details when possible, practicable, and necessary.

Let us see whether we have kept within the rule. Has Congress by this bill declared something substantive to be a crime? Does it prohibit something? Now, let us see what it does. We say that the manufacture during this war, and the distribution, and so forth, of these high and dangerous explosives are unlawful if they are done in such a manner as to be detrimental to the public safety. Does not Congress, then, by that language enact a substantive inhibition a violation of which is punishable as a crime? We say that the manufacture, and so forth, of these high explosives during this war in a manner detrimental to the public safety shall be unlawful. That is your substantive act.

Mr. DYER. Who is to determine that?

Mr. WINGO. Let me finish. I want to get through my whole proposition. If I am wrong, I want to be corrected. I agree with you as to the basic rule that should govern us, and the question is whether or not we have followed the correct rule.

By section 1 we make it unlawful to manufacture, sell, and so forth, dangerous explosives in a manner detrimental to public safety, and by section 2 we authorize the President to make the necessary rules and regulations governing the manufacture, sale, and so forth, of these explosives for proper and necessary purposes; and in order to protect those who manufacture, sell, or possess these explosives for proper and necessary purposes it is provided by the amendment I have pending that their actions shall not be deemed detrimental to the public safety or unlawful if done in compliance with the rules and regulations.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may have five minutes more. He is making a very interesting and instructive statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. WINGO. Now, gentlemen, if you will take a copy of the bill and turn to section 2 you will see what power we delegate to the President. I think we delegate to the President, as narrowly as we can under the circumstances, the right to provide administrative rules and regulations, but no power is given to create a criminal offense by mere Executive proclama-

tion. We do not go as far in this bill as Congress went in the act covering the transportation of explosives. The first section of that act absolutely prohibited the transportation by carriers of any explosives and then by section 2 provided that the Interstate Commerce Commission should make rules and regulations covering the transportation by carriers of these explosives. But some gentlemen who oppose this bill are willing to trust that commission but can not trust a President.

I object to any President, no matter to what party he may belong, exercising authority that can be exercised more effectively by the Representatives of the people, but administrative rules and regulations at times can best be left to Executive detail. But let us see if we have narrowed this authority as much as we can and at the same time have accomplished what is necessary. Suppose we undertook to do what the gentleman from Alabama has suggested; suppose that this legislative body undertook to provide these administrative rules and regulations, which do not constitute the act itself, but are predicated upon an act of Congress and have no foundation or authority whatever, except as they are resting upon a crime declared and defined by statute; that is, to wit, the manufacture, sale, and so forth, of explosives in a manner detrimental to the public safety.

Let us see what we could do. Let gentlemen undertake to say in their own minds what kind of regulations should be provided. Gentlemen could sit around the committee table in the committee room for several days and define the different things and Congress might consider rules and regulations for days, but the experience of us all is that probably the very danger that subsequent experience might show we need to guard against would be the one that Congress would overlook, or the committee would overlook, and everybody knows that if we undertook to set out a single one of these details or undertook to say specifically that any certain method of manufacture is that which is prohibited, then every other method would be permissible under the law, however dangerous it might be to the public safety.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Kansas?

Mr. WINGO. Not right now. I think every lawyer will see what the danger is. I will not undertake to quote Latin, but the lawyers understand the Latin quotation that would be apt there; when you undertake to include one you exclude all others. And so you will see that the members of the committee who are lawyers, and upon whom devolved the duty of framing this statute properly, had a very narrow path in which to travel. If we could undertake to do what I would like to do, we might endeavor to write the administrative details here as to how things should be done, and what should be done; but we would be writing a code on explosives, and the acts of the shrewd, ingenious criminals which we want to prohibit disturbing the public safety would be the very ones that we possibly would overlook, however ingenious and careful we might be.

Now I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. The question I have in mind is this: Some one will have to prepare these regulations and make them as specific as a penal statute must be. Why can not a committee of Congress reduce those regulations to the form of a statute quite as well as somebody acting under the authority of the President? In either case the regulations will have to be specific in order to be enforced and to meet the penalties provided in section 5 of this act.

Mr. WINGO. I think not, if the amendment I offered is adopted. Let me be frank on this matter, and I think I ought to be frank with the House. We had present representatives of every one who was interested in the bill; we had representatives of the miners and the mine operators; we had representatives of the explosive concerns, the powder concerns, and others, and also chemists and all classes represented before our committee. We went into this matter thoroughly, and before we reported this bill—and we did that unanimously—it was decided that when the regulations were finally prepared the Bureau of Mines would not only consult the powder men and the miners and the operators and the different ones that might be injured by an unwise administration, but that when they had been agreed upon the Bureau of Mines would come before our committee, and we would go over them with the bureau officials and call in the representatives of the factories and the miners and the operators and others concerned. In other words, there is no intention here to exercise arbitrary power.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. REED. You mean this to be a temporary law, to be in force during the term of this war? I notice you use the term

"this war." You say in the third line "in time of war." That might be a war affecting Mexico or Canada. Why not confine it to this war?

Mr. WINGO. The bill says "in time of war." The spies and representatives of foreign Governments have been here, as we know. They have been in our country trying to blow up public works and public buildings. I do not propose, under such circumstances, to quibble when the very security of the Nation is at stake. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. REED. You mean this law would not be in effect after the war? Is that the meaning? Do these powers end with the war?

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REED. Have we not been following the plan in this emergency legislation of alluding to the present war as the "war with the Imperial German Government"?

Mr. WINGO. If the gentleman will permit, there are other things that I want to say; and, frankly, I will say that we have not the authority to enact legislation like this except in time of war. When I say "war" I do not care whether it is with Timbuktu or Germany. If public necessity requires us to prosecute that war with the least danger to our internal life and with the greatest efficiency in our fighting force against the outside foe, I think we should do it.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes; I yield to the gentleman from Illinois.

Mr. CANNON. I understand the gentleman believes this act should go on the statute books and operate only in time of war?

Mr. WINGO. Yes. I catch the point of the gentleman's suggestion, and will say that we are making it a permanent statute and not limiting it to this war, but the act operates only in time of war. The reason we want to make this a permanent law and make it applicable in time of war is this: Wars come on suddenly, and possibly in the future we might have a war wherein the necessity for this act would become apparent; and yet the rush of other matters, such as we have here now, might give those better equipped, and carrying on their operations in a more dangerous way than they have been in the last 60 days, an opportunity to do a great deal of harm before a statute could be enacted. For that reason we thought it better to make a permanent statute, applicable only in time of war, because under the Constitution I do not think we would have any right to apply it except in time of war.

Mr. TOWNER. The first section of the bill is an absolute prohibition, is it not?

Mr. WINGO. Not with the amendment I have offered.

Mr. TOWNER. As it stands in the bill it is an absolute prohibition?

Mr. WINGO. Yes.

Mr. TOWNER. So that no one can do any of the acts prohibited there unless allowed to do them under the proclamation of the President. In other words, the President's proclamation must be so inclusive that all legitimate things will be included.

Mr. WINGO. Did the gentleman hear my amendment?

Mr. TOWNER. No; I did not.

Mr. WINGO. If the gentleman will pardon me, I meet the gentleman's objection by offering an amendment to strike out all of lines 6, 7, 8, and 9 and the words "unless such" and insert in lieu thereof the words "in such manner as to be detrimental to the public safety." That meets the gentleman's objection.

Mr. TOWNER. Then would there be any necessity at all for section 2?

Mr. WINGO. I think there might be.

Mr. TOWNER. What would be the reason for it? Because then the question would be as to whether it were detrimental to the public safety.

Mr. WINGO. That is true; but does not the gentleman think it wise for the President by proper proclamation to undertake to define those things for the benefit of the citizens? If he did not do it, any one might come along and say, "Well, you are manufacturing and handling explosives in a certain way that is detrimental to the public safety," and he might be harassed by persecutions and prosecutions that would become persecutions; and I think for the safety of the public what is considered to be detrimental ought to be set out very clearly by public proclamation, so that everyone may have notice, and we will not have some man persecuted because of a dispute as to whether or not his act was detrimental to the public safety.

Mr. TOWNER. The gentleman is a good lawyer, and he knows very well the necessity in a penal statute of making definite the things that are prohibited, so that everyone will know them. Now, if the determining proposition is as to whether it is detrimental to the public interest, that is a question that we might discuss; but if in addition you say that whatever the President proclaims shall be exempted from the provisions of the law, then we do not know anything at all about it.

Mr. WINGO. I did not say that.

Mr. TOWNER. Because we do not say anything at all about that.

Mr. WINGO. The gentleman is too good a lawyer to put that interpretation on my statement.

Mr. TOWNER. I am not putting it on the gentleman's statement.

Mr. WINGO. I was careful not to say what the gentleman has just said I said.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, this is a very necessary statute at this time, and I intend to support it, with the exception of sections 2 and 3, which I do not think are necessary.

SEVERAL MEMBERS. Sections 3 and 4.

Mr. BORLAND. Sections 3 and 4. We will dispose of them when we come to them.

Mr. CAMPBELL of Kansas. The gentleman was right about sections 2 and 3.

Mr. BORLAND. But I want to say a word here in regard to the general purpose and scope of this statute. I represent one of the great markets of the mining district of the West for explosives, and therefore I realize that explosives occupy a very large and a very legitimate place in American industry. There is no intention in this bill to interfere with the safe and legitimate use of explosives. But there has grown up in the last few years, as explosives have developed and more people have become acquainted with them, a species of the most dastardly crimes which can be committed through the agency of explosives. And because explosives have a legitimate place in American industry that is no reason why we should leave their use unchecked and unrestrained, especially in a time of public peril. There is no intention to reach anything except what I regard as the most dastardly species of criminal act, more dastardly than the old-fashioned crime of poisoning. There is no more dastardly crime than that which can be committed by means of modern explosives. In regard to the question that is raised by the gentleman from Alabama [Mr. HUDDLESTON], I want to say that this bill is drawn legally upon the war powers of the Constitution and could not rest upon any other. It does not attempt to be drawn under the interstate-commerce clause of the Constitution, for then it would be limited to the transportation of explosives in interstate commerce. That is provided for now in a section of the Revised Statutes. We could not go into the States except for the purpose of preserving the public safety and providing for the common defense. So gentlemen might just as well get clear in their own minds now the legal distinction between the purely war powers of the Constitution and the purely peace powers of the Constitution. I am inclined to think it might be desirable to regulate the penal affairs of this great Nation upon a uniform basis, and I am inclined to think that we will some day come to that and have a national criminal code; but under the Constitution we can not now have a national criminal code, except in so far as the acts done are in violation of laws passed under the legitimate powers of Congress. But in time of war we are providing a national criminal code. There is no legal distinction between this bill and the food-control bill. Both of them rest upon precisely the same power, and neither could be justified under the interstate-commerce clause or any other clause of the Constitution in time of peace. Now, we might just as well get that clear in our own minds.

Mr. IGOE. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. IGOE. I am very much interested in what the gentleman says, and I know other Members are, as to how far we can go under the war powers. The gentleman has given a great deal of study to it, and will he state his idea of that, if he has one?

Mr. BORLAND. Yes; I do not see any distinction in the exercise of powers of legislation for the common defense between the general powers of legislation now enjoyed by the sovereign States and the United States. In other words, I think that in the time of war we step right squarely into the shoes of the sovereign States having all the powers of the State in general legislation for the safety and the health and the morals of the population, the great bulk of legislation known as the police powers of the State.

Mr. LENROOT. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. I am rather surprised at the statement of the gentleman. Do I understand that he places it on the broad power of legislation for the common defense?

Mr. BORLAND. Yes; does not the gentleman?

Mr. LENROOT. I do not; I think it is under the enumerated and implied powers growing out of the express powers under the declaration of war.

Mr. BORLAND. I would be glad to hear the gentleman's limitations on that power.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BORLAND. In just a moment. My conception is that in time of peace the establishment of regulations are confined to interstate commerce, postal regulations, violation of the revenue law, and all crimes committed under those different attributes—the admiralty, and so on. We do not have the wide and unrestricted police powers of the several States.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BORLAND. But in time of war to legislate for the common defense we then unquestionably step into the wider range of power. What those powers are has never been clearly defined as far as I know, and yet I can see no necessary limitation to them but the full scope of the police power of the several States.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GREENE of Vermont. Is it not reasonable to suppose that the right granted by the Constitution to declare war must of necessity carry with it every possible means to make the war successful?

Mr. BORLAND. Unquestionably.

Mr. GREENE of Vermont. Which is practically no limitation of the interpretation of the words "national defense."

Mr. BORLAND. I can see no limitation except the limitation that will occur to the exercise of police powers by these powers.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COOPER of Wisconsin. If I understand the question of the gentleman from Vermont and the reply of the gentleman from Missouri, the Constitution of the United States was adopted only for the time of peace. In time of war the Constitution is done away with and all power is in the Executive and the Commander in Chief of the Army and the Navy. That is to me an astounding statement.

Mr. GREENE of Vermont. I did not say all powers.

Mr. BORLAND. No; the gentleman from Wisconsin says all powers of the Constitution are done away with. Of course, that is too broad.

Mr. GREENE of Vermont. If the gentleman will permit me to reply. I did not make such a statement as is made by the gentleman from Wisconsin. I said the country has the power to declare war and the country has every possible power to try to make the war successful. There can be no escape from the logic of that. Otherwise it would be foolish to go into the war. In reply to a question I hear addressed to me by a Member, I may say that I would rather save the country than the Constitution.

Mr. CAMPBELL of Kansas. I hope the gentleman from Missouri will not agree to that.

Mr. BORLAND. I was about to say that the gentleman from Vermont goes a step beyond my statement. My statement was in effect that whereas in time of peace the Federal Government has no common law, no general police powers except as incidentally enumerated, in time of war it has those police powers, and this is an example of its exercise.

Mr. HAMLIN. Will the gentleman yield to me?

Mr. BORLAND. I will yield to the gentleman.

Mr. HAMLIN. I want to read, and it will only take a moment, the opinion of a very eminent lawyer in this part of the country, as all will agree, an opinion by ex-Attorney General Knox, now a member of the United States Senate, and I think his opinion will have weight with the committee. He says:

The Constitution must always be construed in such a manner as to give effect to all of its powers. The war power in the Constitution stands upon the same authority as the other powers in the Constitution, and it is a sound and well-recognized rule of construction of any instrument that, if possible, it must be construed so as to give meaning to all of its parts. When the fathers said in the Constitution that Congress should have the right to declare war, and that it alone should have that power, they did not undertake to define what war is. They dealt with a status that was well known; and when the Constitution

conferred upon Congress the right to declare war, it by necessary implication conferred upon Congress the right to do anything that in its judgment was necessary to carry that war to a successful conclusion.

The war powers of the Constitution, in my opinion, are dormant until a status of war is declared by Congress, and then they may be exercised with limitation or qualification to the extent that the safety of the Nation demands. Of this Congress is the judge, except as the Commander in Chief of the Army and the Navy, in the actual conduct of the war, and in a case of great emergency or dire necessity may be compelled to act.

Mr. BORLAND. Mr. Chairman, I am obliged to the gentleman from Missouri for reading that opinion of an ex-Attorney General of the United States who does not happen to belong to my party, but it is fully as broad as my statement.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CAMPBELL of Kansas. In answer to the learned opinion of the former Attorney General, this is what the Supreme Court of the United States says in the case of *Ex parte Milligan*:

Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irreparable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

Mr. BORLAND. The gentleman from Kansas has read a learned extract from the opinion of the Supreme Court of the United States without any possible insight into the context in which it was used, without any connection at all.

Mr. CAMPBELL of Kansas. Having a direct bearing upon this matter.

Mr. BORLAND. I want to say to the gentleman that if he adheres to the doctrine that the United States has no general police powers in time of war that it has not in time of peace, he could not vote for this bill nor for the food-control bill or for half of the legislation at this session of Congress.

Mr. HAMLIN. Will the gentleman permit in reply to the gentleman just a word? The gentleman certainly does not conclude that the opinion of the court which he has just read in any way contradicts the opinion of ex-Attorney General Knox which I just read a while ago?

Mr. CAMPBELL of Kansas. Most certainly, because the opinion of the ex-Attorney General placed it upon the doctrine of necessity.

Mr. HAMLIN. Mr. Knox says that the Constitution in time of war clearly by implication gives the power, and that when we do these things we are acting within the provisions of the Constitution.

Mr. CAMPBELL of Kansas. But in *re Milligan* the court was construing a question growing out of the Civil War.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. The gentleman speaks about the police power. I want to ask the gentleman whether he has ever read a case or read anything that any writer on constitutional law has ever said supporting his position that the National Government has no police power in time of war different from that in time of peace, and I want to remind the gentleman that the opinion of Senator Knox, with which I am in accord, is not at all the basis upon which the gentleman from Missouri [Mr. BORLAND] rests his case.

Mr. BORLAND. The opinion of Senator Knox is certainly not only clearer, but more far reaching than any opinion that I have expressed.

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

Mr. BORLAND. In just a minute. I have expressed the opinion that whereas the United States might not have general police powers in time of peace, it has general police powers in time of war to provide for the common defense and the national safety. Senator Knox says they have power to do anything for the successful prosecution of war.

Mr. LENROOT. This is an implied power from enumerated power, namely, the power to declare war.

Mr. BORLAND. And I limit the power by all constitutional limitations against the taking of property, and so forth, but his words are much broader.

There is just one more thing that I desire to discuss, because most of you are much more competent to discuss these constitutional questions than I. I want to discuss the question of regulation as opposed to definition in the law. This is another question that has arisen in my mind in connection with all of this war legislation. We are going to be confronted in all of these bills with an enlarged power of regulation by Executive

order. I have weighed in my own mind the advantages and disadvantages, the dangers, and the results of government by regulation or legislation for regulation, and I have come to this conclusion, that in the present emergency that is the wise course to pursue. I will tell you why. This particular case illustrates it. It might be possible for us, as the gentleman from Kansas [Mr. CAMPBELL] suggested, to get some one from the Bureau of Mines or some other expert to draft an explosive act and then enact it into law, but that law would be rigid. If Congress adjourns, then the Executive must enforce the law according to the letter, regardless of the circumstances or conditions. In many cases it would let criminals escape—

Mr. CAMPBELL of Kansas. Ought not a criminal law to be rigid?

Mr. BORLAND. In many cases it would let criminals escape and in others bear unjustly on legitimate business. How does regulation differ from that? Regulation is a flexible method. It can be changed and adjusted to not only the circumstances in mind when the law was passed, but the time which the regulations ought to cover, and the regulations can be modified or revised or amended or repealed from time to time as the emergency disappears or as the emergency arises, while the rigid words of the statute can not.

We would do a great injury to legitimate business in this country if in the food-control bill or in this bill relating to great industries in the country we should make a rigid rule which we deemed was necessary and far-reaching enough to provide for the public safety. It is much wiser and much more practicable and much safer for the farmer and the miner and the business man that we should leave that matter to the flexible method of regulation than that we should put it into rigid law. I have so advised every business man who came to me in fear of the operation of these statutes. I have said to him that he should have his voice before the executive department as to the effect of these proposed regulations on his legitimate business, and that the regulations would be drafted and modified from time to time so as not to interfere or so as to interfere to the minimum extent with legitimate business, but that if we were to be driven to enacting rigid statutes, definite language where we thought it would protect the people where they ought to be protected, and guard against every possible danger which we thought ought to be guarded against, we would be sure to tear down a great many legitimate businesses in this country.

Mr. MEEKER. Mr. Chairman, this is one of the most interesting discussions I think we have had at this session, and for this reason: It points out very clearly the trend of the American legislative mind. For the past 20 years we have been more and more depending upon the policeman to run the Government, whether in municipal, county, State, or National affairs. We have been multiplying laws, almost without number, attaching penalties thereto, and then calling in the police power of the community to make people good. The National Congress in this session, a Democratic Congress, so called, is doing more to encourage the development of an autocracy than any Republican Congress we ever saw.

Now, that did not all happen in a minute. These things are the result of an evolution of thought, and the thing that is now proposed to turn over to the President—namely, the right to declare what is a crime and what is not, after your law is passed—is only a sample of all that has been growing up to the present time. Men are justifying a position here to-day which a quarter of a century ago would absolutely not have been given a moment's consideration in the American Congress.

We are proposing to do what was proposed to do under the espionage bill, namely, to pass a law providing for the punishment of a crime, but to let the crime be designated after the law is passed. It does not make any difference as to whether this thing is necessary or not. I do not think it is. I have more faith in the American people than is evidenced in this bill. I believe that the Secret Service of this country is doing fairly well now looking after all these would-be violators of law. They have sufficient authority now, not only in this department but elsewhere. I am not able to understand why it is that this war has suddenly brought up so many exigencies that never appeared in any other war that we have had. And the men who wrote this Constitution had just come out of war.

Mr. GREENE of Vermont. Will the gentleman permit me?

Mr. MEEKER. I will.

Mr. GREENE of Vermont. Was that war in any sense fought with chemicals?

Mr. MEEKER. Oh, no.

Mr. GREENE of Vermont. That is one of the indications as to what may be possible in a modern war.

Mr. MEEKER. I understand; but men in these days deal with chemicals as those men did with battle-axes and gun-

powder. The principle is the same. The thing that interests me all the time is our tendency to absolutely set aside the fundamental principles of a free government and the willingness on the part of men to constitute a crime or permit a crime to be designated after you pass the law.

Now, I do not care what may be the exigency, you can not lay down any rule that justifies the American Congress permitting some other man to pass or make, as is declared in this bill, rules and regulations whereby men are to be sent to prison and fined.

Mr. WINGO. Will the gentleman permit a question right there?

Mr. MEEKER. Yes.

Mr. WINGO. I am sure the gentleman wants to be fair.

Mr. MEEKER. Yes.

Mr. WINGO. I presume the gentleman is a lawyer, judging from his argument. Can he show in this bill anything, after the adoption of the amendment which is proposed by the committee, where the violation of anything set out in the President's regulations could possibly be made a crime?

Mr. MEEKER. Who is to determine?

Mr. WINGO. He does not do it. Under the bill as the amendment is offered, which meets with all the objections which the gentleman is urging, we make it a crime to do these things in a manner that is detrimental to the public safety, by section 2, instead of authorizing the President to go ahead and enumerate things, which, if violated, would be a crime. With that amendment to the first section, the second section is reversed in its original intent from the gentleman's viewpoint, so that if the President indicated the manner by which it might be manufactured the citizen would be protected even though it should afterwards turn out that it might be detrimental to the public safety.

Mr. MEEKER. The gentleman and I do not yet understand one another. I will ask you this question: Where in this bill, putting in the amendment which has been offered, does it say other than that the President in these rules shall state, but shall not determine, what rules shall be passed, the violation of which shall constitute a crime?

Mr. WINGO. Of course, that is not there. We do not have to declare it. That is not the proposition. If the gentleman will read closely section 2, in line with the amendments that have been offered to section 1, he will have all his fears removed.

Mr. MEEKER. I will put it this way, then. Where in the bill does it provide as to the amendment that you offer?

Mr. WINGO. The gentleman is too good a lawyer to ask me that.

Mr. MEEKER. Not in the light of the second paragraph.

Mr. WINGO. I will admit as the first section was originally drawn there might be, from the gentleman's standpoint, something in his contention.

Mr. LENROOT. With the amendment now adopted, does it not amount to this, that the President is given power—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. Mr. Chairman, I ask for five minutes more.

Mr. RAKER. Mr. Chairman, I want to offer an amendment, and I want to speak on it for five minutes.

Mr. MAPES. The gentleman from Illinois [Mr. FOSTER] can make a motion to shut off debate.

Mr. RAKER. You can not shut off debate. We are engaged in legislation.

Mr. FOSTER. We do not desire to limit debate, but we are anxious to get the bill through. I have requests, Mr. Chairman, for 60 minutes. I hope that at this time we may close debate on this section and all amendments thereto in 65 minutes. That will take us to nearly 4 o'clock.

Mr. RAKER. Now, Mr. Chairman, reserving the right to object, can not the gentleman give me five minutes?

Mr. MILLER of Minnesota. Let the gentleman take time on the next section.

Mr. RAKER. I have taken very little time heretofore.

Mr. FOSTER. I ask unanimous consent, Mr. Chairman, that the debate on this section and amendments thereto close in 65 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the debate on the pending section and amendments thereto close in 65 minutes. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Chairman, I trust they will yield to me five minutes.

Mr. MILLER of Minnesota. So do I.

Mr. DYER. Regular order!

Mr. FOCHT. Hold on, there—

Mr. RAKER. Right there, Mr. Chairman—

The CHAIRMAN. The regular order is demanded. The regular order is that the gentleman from Missouri [Mr. MEEKER] is recognized for five minutes.

Mr. FOSTER. I made that request, Mr. Chairman, for unanimous consent.

The CHAIRMAN. The Chair understood that the gentleman from Missouri [Mr. DYER] objected.

Mr. DYER. No; I asked for the regular order.

The CHAIRMAN. The regular order is the request of the gentleman from Illinois that the time be limited to 65 minutes. Is there objection?

Mr. RAKER. I object.

Mr. FOSTER. Then I move, Mr. Chairman, that the debate on this section and all amendments thereto close in 65 minutes.

The CHAIRMAN. The gentleman from Illinois moves that the debate on this section and all amendments thereto close in 65 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The debate is limited to 65 minutes.

Mr. LITTLE. Mr. Chairman, in view of the fact that I did not ask for time along with the others, I ask leave to extend my remarks.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WINGO. I ask unanimous consent to have an amendment read now that the committee intends to present to section 2. It might meet some of the objections that have been urged against the bill.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to have read and pending an amendment which he sends to the Clerk's desk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 2, page 2, by inserting at the end of the section as a part thereof the following:

"Provided further, That it shall not be deemed to be detrimental to the public safety and shall not be unlawful within the meaning of this act to manufacture, distribute, store, use, or possess smokeless powder, explosives, blasting supplies, and the ingredients thereof, when the same shall be done in compliance with such rules and regulations."

The CHAIRMAN. The gentleman from Missouri [Mr. MEEKER] is entitled to five minutes.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LENROOT. Will the Chair follow the list that was agreed upon but which was objected to?

The CHAIRMAN. The Chair has the list, including the names that were given then, and the Chair will recognize gentlemen in the order in which they appear on the list, within the time agreed to, on the motion of the gentleman from Illinois [Mr. FOSTER].

Mr. LENROOT. The gentleman's time does not come out of the 65 minutes?

The CHAIRMAN. No.

Mr. MEEKER. Mr. Chairman, the gentleman from Wisconsin was asking me a question. Will he go ahead with it?

Mr. LENROOT. I was going to suggest to the gentleman that with this amendment adopted the power of the President would determine certain facts, fixing what came within the line of public safety, and therefore the amendment is entirely harmonious with the first section of the bill.

Mr. MEEKER. Mr. Chairman, I have only one other observation to make to the committee, and I think I might as well bring it to the attention of the committee now as at a later time. I am averse to the idea that by simply calling a measure "a war measure" that is furnishing a reason sufficient to make it a war measure. I object to this bringing of bills in here, stating that because a state of war exists, or something to that effect, we are to be called upon to do certain things. It is up to the committee to demonstrate, before we vote on this bill, that the Department of Justice and the Secret Service and all the other departments of this Government can not now cope with this situation. To say that this is "a war measure" does not make it so, as was pointed out by the gentleman from Alabama and other men; we are not compelled, as Members of the committee or of the House, to permit men simply to head up a bill and say, "This is a war measure, and the administration wants it, and therefore you must pass it, and thereby set aside all rules, customs, and everything else." I repeat it is up to this committee to show wherein the present machinery of Government for the protection of the lives and property of the people of this country has fallen down.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. FOCHT. Right there, in other words, you are going to supplant the splendid laws now in operation in Pennsylvania, for example, by something mythical. We do not know what they are going to be. Is not that a fact?

Mr. MEEKER. Absolutely. Many of the States have already enacted laws in regard to the manufacture, storing, and handling of explosives. These are to be set aside and overridden by a set of rules. As yet we have not heard from this committee one single word as to wherein or how the Department of Justice or any other department of this Government has failed in the protection of the lives and property of the people.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. GREENE of Vermont. The gentleman says that many of the States have laws touching on this subject.

Mr. MEEKER. Yes.

Mr. GREENE of Vermont. How about the State that either has no law on the subject or an insufficient one? Is it not a fact that any destruction produced by a party in war in 1 State injures also the other 47 States? Do the other 47 have to sit back and permit that to be done?

Mr. MEEKER. I will reply by asking the gentleman a question. I want to know if he is willing to stand up here and admit that the present machinery of this Government is so broken down that it is not now enforcing the laws for the protection of life and property in this country?

Mr. GREENE of Vermont. Will the gentleman permit me to reply to that now?

Mr. MEEKER. Certainly.

Mr. GREENE of Vermont. I do not understand that there is at present any machinery such as is contemplated by this act.

Mr. MEEKER. Nor will I admit that this machinery is necessary.

Mr. GREENE of Vermont. I say that the States now regulate this thing under the State police power, and the Federal Government does not now regulate it.

Mr. MEEKER. So I understand, but I do not admit that the machinery that is proposed to be set up here is necessary in any degree whatever.

Mr. HAMLIN. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. HAMLIN. Suppose there are two or three or four States which have laws covering this subject—the State of Pennsylvania and the State of California and our State of Missouri have some laws in regard to it—

Mr. MEEKER. Yes.

Mr. HAMLIN. Suppose 3 or 4 States have splendid laws on this subject, but there are 30 or 40 other States that have no laws at all?

Mr. MEEKER. The gentleman is just repeating what the gentleman from Vermont said, only he says three or four.

Mr. HAMLIN. Would the gentleman be willing to let the people of the United States suffer in this time of crisis simply because two or three States have passed such laws, while the others have not?

Mr. MEEKER. I believe that the present equipment of the Government is sufficient for this.

Mr. HAMLIN. Will the gentleman point it out?

Mr. MEEKER. Our whole secret service. Does the gentleman mean to tell me that our secret service has not been doing efficient work for the last two or three years? This is a confession that the secret service is not doing what it should do. I believe that it is.

The other observation which I want to make at the close of my time, leading to this same thing that I suggested in the beginning, is our constant tendency to leave it more and more to policemen to keep order in this Government, a Government which was intended to be as free of policemen as possible. Think this over, gentlemen, and make it a subject of study. You talk about the increase of crime in this country. I do not believe that our Nation is becoming more criminal; but if you will put your proposition in this way, in the very degree that we increase the number of laws that might be violated and attach penalties thereto, we find that many more excuses for branding the members of society as criminals. That question is seldom discussed, but the increase in the enactment of laws whereby and where to we attach criminal punishments and penalties is such that there is no other one thing in modern government that is doing so much to fill our courts with boys and girls and men and women as the idiotic policy of constantly writing new police regulations on our statute books. This is a sample of it. What will be proposed next I do not know. Out in Kansas at one time they

proposed to prohibit women under 45 years of age from using face powder or wearing false hair. That ought to be a war measure. [Applause and laughter.] It surely would be. We would get into war with the ladies. But now we are going in that direction in this hysteria of having police regulations for everything under heaven. This committee has got to show me that this is a war measure. The mere fact that they have called it such does not make it so, and they have got to show me that the secret-service department of this Government has failed in its work and can no longer deliver the goods in this emergency. I guess that is all. [Laughter and applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] is recognized for five minutes.

Mr. DYER. Mr. Chairman, the object and purpose of the first section of this bill is to prevent harm to life and property in the United States by the use of explosives and things of that kind which may get into possession of people who are enemies of the Government. I desire to offer an amendment and have it pending, in order to accomplish more than could be accomplished if this bill were enacted into law. I take it that changes and amendments will be adopted that will make it possible for us to support this bill. In its present form I would not desire to do so. But on page 1, after the amendment of the gentleman from Arkansas [Mr. WINGO] has been disposed of, I will offer this amendment, to insert in line 3, after the word "to"—

That in time of war it shall be unlawful to injure or destroy by fire or by use of explosives, or by any other violent means, or attempt to so injure or destroy any war material, war premises, or any war utility—

And further on to define what is meant by the words "war premises" and "war utility."

Now, Mr. Chairman, there is no law on the statute books that authorizes the punishment of any person for doing the things that are prohibited in this amendment. There ought to be a strict statute upon that subject, and there ought not to be any question about the regulations as to the enforcement of it. It ought to be a law and not a regulation.

Mr. RAKER. I understand the provision is that anyone who destroys any property by fire shall be punished. That is the purpose of your amendment, is it not?

Mr. DYER. Yes.

Mr. RAKER. Is there any State in the Union where, if a person destroys any man's property by fire, he is not punishable under the State law?

Mr. BUTLER. Every State law covers that.

Mr. DYER. The Department of Justice has asked for the passage of such a law as this. The Senate has already passed something similar to it, and the Judiciary Committee of the House has drafted a bill as a substitute for that, which includes the portion that I have read, and I am quite sure that it is necessary to take care of situations that may exist in States or Territories that are not covered by effective laws.

Mr. RAKER. This is interesting. What kind of property is there now in existence in any State that if a man destroys it by fire he is not punishable for that act?

Mr. DYER. I do not know of any in my State.

Mr. RAKER. Can the gentleman conceive of any property owned by an individual that if it is destroyed by fire the person destroying it is not punishable under State law? The proposition is so new and startling to me that I am asking for information.

Mr. DYER. Probably in some States the punishment is not sufficient. The department has recommended a very severe penalty for the violation of such a statute. The department has asked that the punishment be fixed at 30 years' imprisonment. This is to punish those who would destroy munition plants and things of that kind, as to which we have had a great deal of trouble.

Mr. RAKER. Is it not the gentleman's experience that there is a punishment for every act committed in the destruction of property by fire? Is not the gentleman familiar with the fact that exorbitant long-term punishments prevent conviction and that this country has succeeded in enforcing the law by making the penalties, both as to fine and imprisonment, so that they can convict? It is the certainty of conviction and not the exorbitant punishment that deters criminals.

Mr. DYER. No; I think in a matter of this kind, where it can be shown that the enemies of the Government have caused explosions which destroy munition plants in war time, the only effective way is to make the punishment very severe. We all have read of the destruction of munition plants, the blowing up of munition plants, and, so far as I have been able to learn, no State has yet brought these perpetrators of the crimes to trial. Apparently no effort has been made, so far as we have been informed through the public press. The Government must take these matters up especially and pro-

tect itself, and protect its munitions plants, protect the places where munitions are stored for use in the war. It is most important that we have a very effective provision.

Mr. RAKER. Of course, if it is Government property, the perpetrator can be prosecuted in the Federal court.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DYER. I ask unanimous consent to have presented and have pending the amendment that I have offered, and also the definition as to war purposes and munitions as stated in the amendment.

The CHAIRMAN. Does the gentleman wish to have the amendment reported now?

Mr. DYER. No.

Mr. MILLER of Minnesota. Mr. Chairman, when I first read this bill it pretty nearly took my breath away, having in mind that which it enabled somebody to do. In the northeastern part of the State of Minnesota—and that situation is true, though perhaps to a lesser degree, in two or three other sections of the United States—dynamite and explosives are playing a great part in the industrial life of the land. Dynamite and explosives have ceased to be something handled exclusively by scientists, something handled exclusively by specialists apart from common use. Explosives, and particularly dynamite, have come to be a common necessity in many of the industrial operations of our people.

We had before us for several days a bill designed to encourage food production in the United States. I could not help thinking all the time that bill was under discussion how much more valuable it would be in the accomplishment of its purpose if something could be done to enlarge the area of production. At the present time in the cut-over timbered sections of the Northwest—and I refer to northern Minnesota, northern Wisconsin, and a portion of Michigan—there are approximately 15,000,000 acres of land now covered by stumps and unproductive, but which have been proven to be the best soil in the best climate of this country for the production of potatoes, grasses, and all root vegetables. Consequently it occurred to me time and time again how much more valuable it would be in the accomplishment of the purpose contained in the food-production bill if we might in some governmental way take upon ourselves the rendering of assistance in clearing that land. It is mostly to be done by dynamite. These hardy farmers that are trying to clear the land are using dynamite. It is the cheapest and the best method that has been discovered. Every day they are using it. This bill makes it a crime for one of these men to have dynamite in his possession unless the President of the United States shall make an order or a rule that will give him permission to have it.

Mr. HAMLIN. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HAMLIN. Does not the gentleman want to discuss the bill in the light of the amendment offered, and if that is adopted the gentleman's statement would not be accurate?

Mr. MILLER of Minnesota. I am coming to that in a moment. I am going to complain of the amendment because I do not like it. The other great use to which dynamite and explosives are put in the northeastern part of Minnesota is in the great iron mines, the greatest in all the world, and I have to repeat every once in a while that 65 per cent of all the iron ore at present mined in the United States is mined in the single county in which I live. Dynamite is the basis of all mining operations. This bill says, or it authorizes some one to say, whether or not mining companies can have dynamite for use in mining.

Now, I am not one so foolish or so simple as to think that the President of the United States or the Director of the Bureau of Mines or anybody else will say that it is a crime for a man to have in his possession cotton or sawdust or soil, although they happen to be the ingredients of dynamite, nor do I think that any person will say it is a crime for a mining company to have in its possession dynamite for mining purposes when as a matter of fact the mining of ore is basic to the production of all munitions of every kind and character.

I was fearful when I first read this bill that the operation of it would cripple the mining industry; that it would so hamper and surround the use of the explosive as to make it, perhaps, very expensive if not impossible to carry on mining operations with success and dispatch. I believe that still would be true in a measure if you retain in the bill sections 3 and 4 and authorize them to be carried out as they now contemplate. We propose in the first part of the bill to make certain things a crime, and a little further on in the bill it is proposed to create a body of agents who will go throughout the United States for the purpose of detecting violators of the statute. If we car-

ried that out in all the statutes we pass of a criminal nature what a wonderful opportunity for the employment in the Government service there would be. Every time we said that an act should not be done we would have appointed a body of agents to go throughout the United States and see that it is not done. Of course, we do not need anything of that kind. Nor is there any excuse for it in this instance unless that which it is designed to prohibit can not be carried out by the State and local agents. And yet in paragraph 3 it is proposed that the local instrumentalities shall be utilized.

Now, to reach that which I desire to emphasize, if you will cut sections 3 and 4 out of the bill—and perhaps if they are not cut out—I am going to vote for it, for two or three reasons that did not occur to me at first, having in mind that dynamite is now an industrial necessity and the fact that its use ramifies out through the most of our industrial life. I recognize that to repose in the President or anyone else power absolutely to control the keeping and manufacture and use of dynamite is tremendous. It may result in serious things, but I am led to agree to this first part of the bill for the reason that in a time of war we must intrust power to the Executive in an abnormal and remarkable degree. We must do one thing further. We must even authorize the Executive to take action even in cases that are innocent if to grant that authority is necessary in order that he may have the power to take action in cases where guilt resides. What I mean by that is this: It may be necessary to put into the hands of the President or some appropriate official under him control over certain things, it being expected he will not exercise that authority and that control in order that he may have the power to control those things that should be controlled. In the iron-mining regions of nearly every part of the United States to-day there is a deep and serious menace. We have had attention directed to the outrages by dynamite. They are not in the far past. Many of them are near at hand. I believe the power in this bill wisely exercised by the President will be for the protection of American property and American lives by reason of the war conditions that now exist. I am not violating any confidence nor am I stating anything that, in my judgment, needs to be concealed when I say that in some of the mining sections of the United States to-day active forces are in operation that are designed to put the mines out of business, that are designed to destroy methods of communication between the mines and the places where the ore is to be used, and in these places are men whose design it is to organize forces that will oppose the operation of the selective draft.

We have these conditions to face. We, as a large body, I do not believe can possibly legislate in final detail how control over explosives should be exercised. The gentleman from Arkansas [Mr. Wingo] stated a little while ago that he did not think this committee, sitting as a whole, or his committee could draft all of the precise features that this law should contain. He is correct in a large measure, but that is not the greatest difficulty. The greatest difficulty is that when once enacted that statute would have to be lived up to and could not be changed until Congress saw fit to change it. Under the bill the rules and regulations can be changed from time to time the better to fit conditions.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DOWELL. Mr. Chairman, I have an amendment which I desire to offer, and to which I assume there will be no objection, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: Page 1, line 3, after the word "that," strike out the words "in time of" and insert in lieu thereof the words "while the United States is at."

Mr. FOSTER. Mr. Chairman, on that I reserve the point of order. I do not understand that that amendment is in order now.

Mr. DOWELL. Mr. Chairman, I desire first to call attention to the amendment presented by the committee to section 1. Under this amendment, as I read it, no one can tell just what the court will determine is a violation of the statute. Each individual case must be submitted to the court to be determined whether or not this section has been violated. Under this amendment—and I do not have the exact language before me—if these explosives are used in such manner as may be detrimental to public safety, there is a violation of the section. Under the second section authority is given the President to promulgate such rules and regulations in the interest of public safety as he may deem to be necessary, covering the manufacture, and so forth. It occurs to me that the first section, which is the prohibition in this bill, should be clear, definite, and conclusive, the same as in any other penal law.

The gentleman from Arkansas representing the committee stated a while ago that with the amendment the section is complete. If the statement of the gentleman from Arkansas [Mr. Wingo] is correct that there is no intent on the part of the committee that section 2 shall in any manner control the provisions of section 1, what is the use of having section 2 in the bill? What is the purpose of having section 2 if section 1, which is the prohibitory clause, is complete? Why should this Congress call upon the President of the United States to declare by proclamation in what manner these explosives may be manufactured or used? I submit that this committee by section 2 has attempted to do what it failed to do in section 1; that is, to define clearly what will be a violation of section 1. And it is expected that the President by a proclamation will state specifically what can and cannot be done under section 1.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. WINGO. I am sure if the gentleman will read section 2 he will see that it does not anywhere authorize the President to say what may or may not be done, and especially with the amendment that has been offered. Section 2 will become an exemption, and not an extension at all, because section 2 will then provide that the President may provide for these rules and regulations for the manufacture for proper purposes of these different explosives, and then the proviso will be that it shall not be unlawful, nor shall it be held to be detrimental to the public safety if they are manufactured in accordance with these rules and regulations. Then, if a man were indicted and the Government should prove that the manner in which he manufactured it was detrimental to the public safety, and he should prove that he manufactured in accordance with the rules and regulations laid down by the President, under that specific provision he would not be liable. Would it not be a protection?

Mr. DOWELL. Yes; but is it the intention of the committee that in construing section 1 the court will determine whether or not there has been a violation of the proclamation of the President? When a person is brought before the court for punishment for violating section 1 of the bill, I take it the proclamation of the President will be before the court, stating under what rules and regulations such explosives may be used. And I submit, that if one may be exempt by the court under a proclamation of the President, he may also be punished for the same reason.

I trust sections 3 and 4 will be stricken from the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. EMERSON. Mr. Chairman, this Congress can not afford to pass at this session or at any other session of Congress a law abridging the freedom of speech or of the press.

Our fathers thought so well of this freedom that they protected it by writing a provision into the Constitution of the United States in which it is stated that "Congress shall make no law abridging the freedom of speech or of the press." If there is to be a censorship, it should be of those things that concern the Government and not officials of the Government.

This espionage bill is an assault upon the most sacred rights of American citizens.

It is un-Democratic, un-Republican, and un-American.

If there is to be a censorship, I believe it should be applied first to certain officials of the Government.

In the next place, it is unnecessary. No person is so foolish as to claim that Berlin gets its information from our newspapers. The fact is, I believe Berlin knows more about what is going on in this country as regards our military operations than do many Members of Congress, and I am not criticizing Congress when I make that statement.

Berlin had no difficulty in finding out that our flotilla of destroyers was on its way to England, and they did not get it from the newspapers, either.

The officials say that it is leakage, but if that is true, then there is all the more reason why our officials should be careful.

Nothing was said about the departure of Gen. Joffre until he was safely landed in France. Nothing was said about the departure of Mr. Balfour until he was safely in Canada. Nothing was said about the departure of our flotilla until it had landed in England. Nothing will be said about our soldiers until they have landed in Europe.

But I venture the guess that Berlin knew all about these occurrences before the American public knew about them. I believe in the fullest publicity concerning the actions of all public officials.

I shall stand for the freedom of speech and of the press. If our Government does not give our soldiers the proper treatment, or does not use the public money to the best advantage, the people should have the right to criticize such conduct.

We should not destroy in this country what we are seeking to establish in Europe—liberty.

A Republic can not long endure without this freedom of speech and freedom to criticize, and all that freedom of the press and the freedom of speech means is the right to criticize public officials in the manner in which they conduct the offices they hold.

The concealment of military plans and operations is of course necessary, but that is up to the officials themselves. We may feel assured that when it once gets outside of the secrecy of the public official Berlin will know about it. If this bill is passed, officials might construe it to mean criticism of public officials and not criticism of the Government.

The acts and conduct of officials must always be subject to criticism, and when the time comes when we are forbidden by law to criticize our public officials then a republican form of government has ceased to exist.

The strongest argument against abridging the freedom of speech and the press is found in the President's war message, delivered to Congress last month.

Let me call your attention to a few extracts:

The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.

What is political liberty but the right to think, speak, and write what a citizen desires in criticism of the public acts of public officials?

Again, the President says:

Such designs can be successfully worked out only under cover and where no man has the right to ask questions.

The President complains of the inability of the German to ask questions.

Again, the President says:

But only in the selfish designs of a Government that did what it pleased and told its people nothing.

He was referring to Germany.

But listen to what follows. Says the President in his message:

They are unhappily impossible where public opinion commands and insists upon full information concerning all the Nation's affairs.

There are many other expressions in the President's speech which confirm my opinion as to the value and the necessity of freedom of speech and of the press even during war times. If I believed any abridgment of the freedom of speech or of the press would hasten the end of this war I would favor it, but under no circumstances is that possible.

Let us fight this war like men. Let the people know those things they should know about the management of this war and the uses to which these billions of dollars we have appropriated are being put.

It is up to the officials of our Government to whet their wits against the wits of the enemy.

The CHAIRMAN. The gentleman from Oklahoma [Mr. McKeown] is recognized for five minutes. [Applause.]

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, I would at this time beg your pardon for intruding upon your patience if it were not for the fact that I am interested in this legislation and have made some slight investigation of the laws of the several countries as to regulating explosives.

There are in the United States 15 States with laws requiring the records of the sale of explosives. There are 13 States in the United States that do not require records of the sales but require some regulations as to the sale of explosives. There are 20 American States that have no law upon their statute books regulating this important subject.

Austria passed a law in 1877 and modified it in 1907. Belgium passed a law regulating the sale of explosives in 1881 and amended it in 1894. France passed a law in 1875 and amended it in 1892. Germany passed its law in 1874 and amended it in 1911. Great Britain passed a law in 1875 and amended it in 1905. Italy passed a law in 1895 and amended it in 1905.

Gentlemen, in my district we have a great many mines, the same as in the districts of some of the gentlemen who have spoken on this bill. The purpose of this bill is to regulate the handling of these explosives, and every man who has investigated the question has found that the crooks or yeggmen, as they are called, can take dynamite and extract from it nitroglycerin and use it as an explosive in their work of blowing safes throughout the country.

My objection to this bill is that it is only enforced during war times. I think the National Government ought to have a law regulating the sale of explosives in peace times, because we find to-day plots throughout the United States because of the fact that we have dealt too easily with the criminals of this country.

Now, in the other foreign nations they require a record—

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. MOORE of Pennsylvania. I would like to agree with the gentleman as to that proposition, but I would ask him whether this bill would provide for any such general protection in times of peace? It provides only for a proclamation, as I understand, and does not meet the suggestion the gentleman makes.

Mr. McKEOWN. Yes, sir. And I have some objections to the bill on that ground.

On April 19 I introduced in this House a bill—H. R. 3550—regulating the sale of explosives and putting it under the Commissioner of Internal Revenue, making it his duty. And I followed in that bill that most excellent law known as the Harrison Drug Act, in its general provisions; and, in my opinion, that bill would come nearer meeting the demands of the American people than the bill you have here. That bill was referred to Mr. McAdoo, and he returned it and said that on account of the great amount of work connected with the liberty loan he could not undertake to handle that bill. And they sent me the report on the bill the committee has now reported.

I feel, gentlemen, that this is too important legislation not to receive the serious consideration of this House, because it is far-reaching. In Italy a man who is found carrying explosives must explain and show where he bought the explosives, or he must make some showing. Now, if you have a bill that requires a record to be kept of purchases of explosives, the same as you do as to the purchase of drugs under the Harrison Drug Act, then when an explosion occurs in the United States the officers in the Department of Justice can run down the criminal and bring him to the bar of justice. Under present laws we have not sufficient means with which to bring a man to the bar of justice and prosecute him. I will support this bill, gentlemen, because it is along the lines I am urging. But I would like to say that I would have preferred to have supported a bill that would have placed this matter under the Commissioner of Internal Revenue and let the same officials and men who go out and investigate the violations of the Harrison Drug Act investigate under the regulations that you provide under this act. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, I want to say only a few words regarding the much-discussed war powers of the Constitution. I notice that the proponents of this bill base very largely the legislation contained in it upon the proposition that it is for the common defense and general welfare. I regret that because of the fact that the only power given to Congress is not the general power to legislate for the common defense and the general welfare, as seems to be commonly understood. Section 8 of the Constitution, in which that language occurs, is as follows:

Congress shall have power to lay and collect taxes, duties, imposts, excises, to pay the debts, and provide for the common defense and general welfare of the United States.

And the Supreme Court of the United States and jurists have interpreted that to mean that the purpose of the common defense and general welfare used in this section refers only to the power to collect taxes and impose duties and imposts and excises for the common defense and the general welfare.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. TOWNER. I am afraid that I can not yield, because I have only just a few moments, if the gentleman will pardon me. I am quite sure he will.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. TOWNER. I want to say that while that is true, there is no possible question but that Congress has ample power to legislate upon this question. I call the chairman's attention and the attention of the members of the committee to the fact that they have a far greater power and a far greater authority within the language of the Constitution when it says that Congress shall have power to declare war. If it has power to declare war it has power certainly to legislate in any way it chooses with regard to any of the necessary instruments of war. War can not be carried on without explosives, without ammunition, and for that purpose it is within the power of Congress to legislate as it chooses, almost, with regard to the regulation of explosives in time of war.

The Constitution gives Congress the power to raise and support armies. You can not support armies without providing them with ammunition. Under that power it would be possible for Congress to take away from all the private manufacturers of the United States the right to manufacture a pound of powder or explosives of any kind, and manufacture all its ammunition in its own arsenals. Or it could impose any condi-

tions or restrictions it thought necessary and proper upon its manufacture by private persons or corporations.

Congress has a right to exercise any power regarding the management and control of explosives that they choose to exercise that may be proper and necessary for that purpose in this time of war.

Congress has the power to provide and maintain navies. It can not maintain a navy without explosives, and under that power of the Constitution there is abundant authority in Congress to legislate and provide for the regulation of all kinds of explosives. That is what is meant by the so-called war powers of the Constitution. There are no general war powers contained in the Constitution. There are no extra war powers in the Constitution, and we do not need them, because the power to declare war, the power to raise and support armies, the power to provide and maintain navies, contains all the war powers that may be necessary, because all of those things that are proper, that are legitimate, that are within the possible scope that may be determined by Congress in the exercise of carrying on these powers which are specifically granted are within the purview of the Constitution, which says that all the powers necessary to carry into execution the expressed powers granted shall be lodged with Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CAMPBELL of Kansas rose.

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for five minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, when I first read this bill I did not see how I could support it. Since it came up for consideration this morning two amendments have been offered. The first, to section 1, strikes out part of line 5 and all of lines 6, 7, 8, and 9, and inserts a provision that leaves section 1 a declaratory law. An amendment is also offered to section 2, but I am not satisfied yet with that section. I think it should be stricken from the bill, and I shall vote to strike it out.

I realize that a law covering the general subject matter should be enacted, and as I suggested here this morning, I wish the committee had prepared a law upon this subject. We ought not to give the power of making laws by proclamation to a coordinate branch of this Government. We are the lawmaking power, and we should assume the responsibility of making the laws, and make them specific and provide the punishment.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. It never was contemplated by the Constitution of the United States or under our form of Government that the President of the United States should have power to make proclamations which amount to penal statutes.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

Mr. CAMPBELL of Kansas. Yes.

Mr. BORLAND. If I recollect rightly, the pure food and drug act is the most conspicuous example of regulation. That was passed when the gentleman's party was in power.

Mr. CAMPBELL of Kansas. I am not talking about parties now. I am standing here in the center aisle, speaking without partisanship.

Mr. BORLAND. Well, I will say that law was passed by the aid of the gentleman's vote.

Mr. CAMPBELL of Kansas. It is a very different thing from a proclamation of a penal statute.

Mr. BORLAND. The act defined certain crimes and made regulations covering them.

Mr. CAMPBELL of Kansas. It was a law in itself and provided for the punishments to be imposed.

Mr. BORLAND. And it authorized the making of Executive orders.

Mr. CAMPBELL of Kansas. There are no Executive orders that have the force of a criminal statute.

Mr. GREENE of Vermont. Mr. Chairman, may I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. GREENE of Vermont. The gentleman appreciates, of course, the fact that in time of war it is almost always the unexpected that happens, and in such times provision should be made to cover such things? It might be perfectly harmless in time of peace, but would in time of war be very harmful.

Mr. CAMPBELL of Kansas. Even then the President of the United States ought not to be given authority to declare a penal statute.

Mr. GREENE of Vermont. How would you meet that exigency when Congress was not in session?

Mr. CAMPBELL of Kansas. I would keep Congress in session, and I would have Congress pass such specific laws as were needed.

Mr. GREENE of Vermont. And you would make specific express fact laws when the horse had been stolen, and then you would lock the stable door. [Laughter.]

Mr. CAMPBELL of Kansas. The same thing would be applicable to proclamation. I believe we are still capable of maintaining a government of the people, for the people, and by the people. I do not believe it is necessary to convert this Republic into an Imperial Prussian Empire. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. JUUL rose.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. JUUL. Mr. Chairman and gentlemen, I have not the slightest doubt that all the gentlemen here are anxious to help the administration to pass a law to regulate explosives. But this is not what we are asked to do. We are asked to enact three pages of law and attach an unlimited number of pages of blank paper, and then authorize the Bureau of Mines to fill in what the bureau may see fit to put in at the time.

I want to particularly appeal to gentlemen on this floor who are lawyers and ask them, After you go home and clients in your respective States write to you or come to you for information as to what they may do or may not do under this law, what would you say? You would say that we had enacted a law consisting of three pages of printed matter, but that you were not able for the life of you to tell any one of them what they might do or what they might not do under this law, for the simple reason that the law was not put in yet, but that, as a general proposition, you had enacted a law permitting some agency of the Executive of the United States to put in regulations.

Then you wait 30 days and the Executive issues his proclamation. What do you find in this bill? You find on page 2 that the Executive may change his mind, and after you have advised your clients what is the law it is not the law any more, because this is what it says on line 9, page 2:

That the President may by proclamation from time to time make such alterations, modifications, and amendments to such rules and regulations as he may deem necessary and which the public safety may require.

In other words, here you have a criminal statute for the violation of which your client may be sent to the penitentiary, and yet the statute itself says that from time to time it may be changed, so that maybe he is guilty of violating a criminal statute on Wednesday and perfectly innocent of violating it on Thursday, or vice versa. [Laughter.]

Now, I am willing to vote for legislation on this subject; but I do not believe that any set of men, not even the sacred Bureau of Mines, should be permitted to write criminal statutes on blank paper furnished by the Congress of the United States. [Applause.]

The most dangerous feature in this entire bill is this: That it is not a piece of permanent legislation, even after the proclamation by the President has been promulgated. The very day after you have informed your client of the contents of the President's proclamation he may change it again, and there is no limit in this bill that it shall not be changed between congressional sessions. Gentlemen, I think that in its present condition this bill is a most dangerous piece of legislation. It is a criminal statute, with penitentiary sentences attached, and no one can tell what is a violation of the law and what is not. And I want to plead with the committee to bring in here to-morrow or the day after or any other day a definition of what it is that you want to prohibit, and I assure you that I will be glad to vote for it and help to pass it. [Applause.]

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, the question of the power of Congress to enact legislation of this character is one of the most important that has ever come before any Congress, and while one can not in five minutes discuss that question with any degree of satisfaction either to the committee or to himself, inasmuch as it has been raised, I desire as well as I can within the five minutes to give my view of what this power is.

I agree with the decision in *ex parte Milligan*, quoted by the gentleman from Kansas [Mr. CAMPBELL], that the Constitution was made for war as well as for peace, and I do not agree that Congress has any police powers in time of war or in time of peace. Any power that we have to enact legislation of this sort must be founded upon the provisions of the Constitution itself, and in my judgment this legislation can be sustained upon the power to declare war.

The power to declare war carries with it of course implied powers. One of them is the power to prosecute that war, and

that means to take all means necessary to prosecute it to a successful conclusion. And it means further that Congress has the power under that enumerated clause to enact any legislation the end of which is the successful prosecution of this war; and we may adopt any means that we see fit, provided the means that we adopt are plainly adapted to the successful carrying on of that war. Now, that does not mean that because we declare that a state of war exists we can put into a bill that in time of war such and such shall be the law. The provisions of the bill itself must be such that they are plainly connected with the successful carrying on of the war. Courts will inquire, and properly so, whether they have any connection. If the court can see that there is a connection, it will not inquire then whether the particular means employed was necessary or not. That is left to the judgment of Congress.

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

Mr. LENROOT. I can not in the five minutes I have. Upon the proposition I have just stated I want to quote just one paragraph from the leading case on this subject, that of *McCulloch v. Maryland* (4 Wheat.). This paragraph has perhaps been quoted more often than any other paragraph in any other decision of any court in the world. The court said:

We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate—

In this case the successful carrying on of the war—let it be within the scope of the Constitution—

In other words, under the power to declare war—

and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional.

And that means, in my judgment, that provided the things we propose to do are directly connected with the prosecution of the war, we may then do anything we deem necessary that is not expressly prohibited by the Constitution. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. IGOE. Mr. Chairman, I should like to ask unanimous consent that the gentleman from Wisconsin may have five minutes more, not to be taken out of the time. This is the most important point in this bill, and this is the most important thing in all this war legislation. I thought if the gentleman wanted five minutes—

Mr. MAPES. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman and gentlemen of the committee, as stated before there should be legislation in regard to explosives, but I wondered whether or not the committee have thoroughly thrashed out even the amendments as suggested. I want to read in my time section 1 as it will appear after it is amended.

That in time of war it shall be unlawful to manufacture, distribute, store, use, or possess powder, explosives, blasting supplies, or ingredients thereof, in such manner as to be detrimental to the public safety.

Now, I want to see the matter arranged so that it is specific; but it seems to me that if there is any provision that will be indefinite, this must mean that; and I want the serious attention of the chairman and the members of the committee. What act, what thing can be done that will not be detrimental to the public interest?

Mr. FOSTER. Some operative of a mine who does not properly protect the explosives that he keeps on hand in the mine. For instance, in the State of Illinois in an old, abandoned quarry they discovered where there was a lot of dynamite caps and dynamite located, and it was being stolen, and on looking it up they found that it belonged to some explosives company. They immediately notified that explosives company to take charge of that particular explosive located there. That is one thing they could do.

Mr. RAKER. That is true, but it is dangerous to leave such property, and I venture the opinion now that in every State in the Union anyone who leaves dangerous explosives in such a way that human lives are exposed is guilty of a crime beyond all question.

But that is not the feature involved here. Gentlemen who have spoken—and I am not going into that feature of it, because there can be no question that you have the power to pass this law. You have the power to enact a direct statute specifying what shall be unlawful, what shall be done, how they can transport it, how they can store it, how they can handle it,

how they can manufacture it, how they shall buy it, and what receipts shall be given for the sale or the purchase.

Now, there can be no question that you have the power to make regulations if you have the power to pass a law. Section 2 leaves it entirely to the Executive order, a most important matter, without any designation of what shall be the offense, what shall be the punishment, and, as gentlemen have well said, we must pass the act, we must lock the door before the horse is stolen. How can the Executive order be any more effective than the statute?

Mr. SANDERS of Indiana. Mr. Chairman, in giving the consideration which the committee gave to this bill and to this particular amendment we had in view some of the very questions that have been raised here in the discussion of the bill in the Committee of the Whole House. We knew that there would be at once the question raised of the war power, because I do not believe in times of peace there is any power in Congress to legislate generally on the question of explosives. That constitutional power has been explained very clearly by the gentleman from Wisconsin [Mr. LENROOT].

The other question that has been raised here is the question of the delegation of legislative power, and that question, I think, merits more consideration than the question of the war powers. We examined this question for two or three days, and finally determined that, under the decision in the case of the United States against Grimaude, found in the Two hundred and twentieth United States, page 506, the legislation was clearly justified under the Constitution of the United States.

Mr. RAKER. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. RAKER. That is the case which came from California, where a man violated the regulations adopted by the Forestry Bureau of the Department of the Interior?

Mr. SANDERS of Indiana. Yes.

Mr. RAKER. If that is the law, is there any reason why you can not enact a statute clearly covering the matter without leaving it to regulations?

Mr. SANDERS of Indiana. So far as the law is concerned, a statute could have been enacted embracing the regulations. The regulations could have been put in the bill, but the question whether we should do that or not was a question of whether it was wise to do it.

Mr. RAKER. Why was it not done?

Mr. SANDERS of Indiana. We thought it not wise because in the time of war after Congress has adjourned and between that time and when it convenes again some emergency might arise and we thought that the power ought to be lodged in the Executive which would enable the Executive to handle the situation. I raised the question in the committee and insisted at first that these regulations should go into the bill. I said that I was not willing to subscribe to a favorable report on the bill which delegated to the President the power to say what should be the law and what should not, and I really think that this does do that in a way. Whenever you delegate the power to make regulations and say that a violation of those regulations shall subject one to a penalty, in a way the Executive makes the law. I said I was unwilling to subscribe to that. But later it was made clear to my mind that in this emergency, in this war time, we should have the power reposed in the President.

Mr. RAKER. Will the gentleman permit another question?

Mr. SANDERS of Indiana. Yes.

Mr. RAKER. From the gentleman's experience and the reasoning of the committee as to what might occur, can the gentleman conceive of anything that could happen but what could have been put in the bill under language that would have covered the whole subject?

Mr. SANDERS of Indiana. I do not think you can put general expressions in the bill and make violations thereof subject to penalties. Referring to the particular point made by the gentleman as to certainty, if the first section was not supplemented by the second section as proposed to be amended, I think the objection would be well taken. The second section of the bill makes it definite and certain just how a person may be free from a violation of the provisions of the bill. The reason that the first section is drawn as it is, is for the purpose of making it come within the decision of the United States against Grimaude, which contains this language:

But when Congress had legislated and indicated its will, it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations, the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress or measured by the injury done.

I think the first section and the second section make it clearly within the provisions in this case. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WINGO. Mr. Chairman, I offer another amendment, in line 4, to strike out the word "smokeless."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 4, strike out the word "smokeless."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Chairman, I have an amendment, which I send to the desk, which I wish to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 1, line 3, after the word "to," insert the following: "injure or destroy by fire or by use of explosives, or by other violent means, or shall attempt to so injure or destroy any war material, war premises, or any war utilities as herein defined."

Mr. WINGO. Mr. Chairman, I make the point of order on the amendment that it is not germane.

Mr. DYER. I think it is germane.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. WINGO. Mr. Chairman, here is the proposition: This is a bill covering the manufacture and sale and possession of explosives, and attempting to regulate such sale, manufacture, and use of explosives. The gentleman undertakes to add another crime to the statute, and that is the proposition of injuring Government property, as I gather it, by the use of some of these explosives.

Mr. DYER. Oh, no; by fire.

Mr. WINGO. By fire? There is not anything in the bill with reference to incendiary fires or punishing anyone for that kind of an offense. It is not germane to the section nor to the bill.

Mr. DYER. Mr. Chairman, this bill refers to nothing else than to regulations pertaining to the storing, and so forth, of war matériel. The amendment which I have offered provides for punishment also for the destruction of war matériel.

Mr. WINGO. The gentleman does not want that statement to go into the Record. This bill does not undertake to regulate the storing of war matériel.

Mr. DYER. It provides that it shall be unlawful to manufacture, distribute, and so forth, these various things.

Mr. WINGO. But it does not say war matériel.

Mr. DYER. Smokeless powder and explosives are war matériel.

Mr. WINGO. Yes; but that is not the object of the bill.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to ask the gentleman from Arkansas a question. Ought not the word "and," in line 5, be stricken out and the word "or" substituted?

Mr. FOSTER. I think it ought to be.

Mr. WINGO. I differ with the two gentlemen, although they are better scholars than I. I think the word "and" is correct.

Mr. COOPER of Wisconsin. Then you must have the blasting supplies and material to make them out of.

Mr. WINGO. If you were drawing an indictment you would use the word "or," but the statute always carried the word "and"; that is, when you use the form of statute you use here. Where you start out and say that it shall be unlawful to do things, you use the word "and" instead of the word "or," because then you would have an alternative. No; I believe I am wrong, it is just the reverse.

Mr. COOPER of Wisconsin. Mr. Chairman, if the gentleman will turn back to line 3 he will see that it reads in this way:

That in time of war it shall be unlawful to manufacture, distribute—

And so forth—

blasting supplies and ingredients thereof.

And in line 4 the expression is used, "store, use, or possess smokeless," and so forth. That is in the disjunctive, and I think in line 5 the word "and" should be "or," so that it would read "blasting supplies, or ingredients thereof."

Mr. WINGO. The gentleman may be right.

Mr. DOWELL. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is the point of order made by the gentleman from Arkansas to the amendment offered

by the gentleman from Missouri [Mr. DYER]. The point of order is sustained.

Mr. WINGO. Mr. Chairman, as I understand it, there is an amendment pending offered by the gentleman from Iowa [Mr. DOWELL].

The CHAIRMAN. Yes. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DOWELL: Page 1, line 3, after the word "that," strike out the words "in time of" and insert the words "while the United States is at."

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to modify the amendment by striking out the word "while" and inserting in lieu thereof the word "when."

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment by Mr. DOWELL: Strike out, on page 1, line 3, after the word "that," the words "in time of" and insert in lieu thereof the words "when the United States is at."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I move to amend, on line 4, page 1, by striking out the word "powder." You have already stricken out the word "smokeless" and the word "powder" there is meaningless now.

Mr. WINGO. Oh, no; there are many kinds of powder besides smokeless powder.

Mr. RAKER. And there is face powder.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

Mr. RAKER. Mr. Chairman, I shall withdraw the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I hope the gentleman will reconsider the matter to which I directed his attention a moment ago.

Mr. WINGO. I think the gentleman is right, on reconsideration, Mr. Chairman.

Mr. COOPER of Wisconsin. Then, Mr. Chairman, I move to strike out the word "and," in line 5, page 1, and insert in lieu thereof the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. COOPER of Wisconsin moves to amend by striking out on page 1, line 5, the word "and," and inserting in lieu thereof the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CARAWAY having resumed the chair a message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 70. Joint resolution relating to the service of certain retired officers of the Army.

EXPLOSIVES.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That upon the passage of this act the President of the United States is authorized, empowered, and directed to prepare, make, and promulgate by public proclamation such rules and regulations in the interest of public safety as he may deem necessary governing the manufacture, distribution, storage, use, or possession for necessary and proper purposes in time of war, all such smokeless powder, explosives, blasting supplies, and the ingredients thereof: *Provided*, The President may by proclamation from time to time make such alterations, modifications, and amendments to such rules and regulations as he may deem necessary and which the public safety may permit or require.

Mr. WINGO. Mr. Chairman, I offered an amendment which is pending and which has been read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Mr. WINGO offers the following amendment: Amend section 2, page 2, by inserting at the end of the section and as a part thereof the following:

Provided further, That it shall not be deemed to be detrimental to the public safety and shall not be unlawful within the meaning of this act to manufacture, distribute, store, use, or possess smokeless powder, explosives, blasting supplies, and the ingredients thereof when the same shall be done in compliance with such rules and regulations."

Mr. WINGO. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the word "smokeless," so as to make it conform to the amendment already adopted.

The CHAIRMAN. The gentleman asks unanimous consent to modify the amendment. The Clerk will report it as modified. The Clerk read as follows:

Modify the amendment by striking out the word "smokeless" before the word "powder."

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Now, Mr. Chairman, on line 7, page 2, I move to strike out the word "smokeless."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. RAKER moves, on page 2, line 7, to strike out the word "smokeless."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOWELL. Mr. Chairman, I move to strike out, in line 7, the words "in time of" and insert "when the United States is at"—the same amendment that was in the first section.

Mr. FOSTER. There is no objection to that, I think.

The CHAIRMAN. The gentleman from Iowa [Mr. DOWELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DOWELL offers the following amendment: Page 2, line 7, strike out the words "in time of" and insert in lieu thereof the words "when the United States is at."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to amend, on line 8, by striking out the word "and" and inserting the word "or," so as to make it harmonious with the previous amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MOORE of Pennsylvania moves to amend, on page 2, line 8, by striking out the word "and" and inserting the word "or."

Mr. WINGO. I want to submit to the gentleman from Pennsylvania [Mr. MOORE] that possibly this is not the same thing that we had to consider a while ago.

Mr. MOORE of Pennsylvania. If it is not I will not insist on the amendment; but I think it is the same proposition.

Mr. WINGO. I will state to the gentleman I went over that just a few moments ago, and I came to the conclusion it is different. Let me suggest this to the gentleman: He is providing rules and regulations governing the manufacture and distribution of powder, explosives, blasting supplies "and the ingredients thereof," not "or the ingredients thereof." It is covering both.

Mr. MOORE of Pennsylvania. I think the gentleman is right. My purpose was merely to place the paragraph in harmony with the preceding paragraph. I withdraw the amendment.

Mr. RAKER. Mr. Chairman, I want to call the gentleman's attention to his amendment. Whether or not he wants in line 2 to have it conform to the other by changing the word "and" to "or"?

Mr. WINGO. Yes. Next to the last line of the amendment I offered, the words "supplies and the ingredients thereof," the word "and" should be changed to "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Wingo amendment by striking out in the last line thereof the word "and" and inserting the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That in order to carry out the provisions of this act and the directions contained therein, the Bureau of Mines, Department of the Interior, with the approval of the President, is hereby authorized to employ such persons, without regard to civil-service requirements, and to utilize such agents, agencies, and all officers of the United States and of the several States, Territories, subdivisions, and municipalities thereof, and the District of Columbia, in the execution of this act, and all agents, agencies, and all officers of the United States and of the several States, Territories, subdivisions, and municipalities thereof shall hereby have full authority for all acts done by them in the execution of this act when acting by the direction of the Bureau of Mines.

Mr. LA GUARDIA, Mr. MILLER of Minnesota, Mr. LENROOT, Mr. MOORE of Pennsylvania, and Mr. MCKENZIE rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MCKENZIE] is recognized.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. McKENZIE offers the following amendment: Page 3, line 2, after the word "Mines," insert the following:

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

Mr. FOSTER. We have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. McKENZIE].

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to strike out the section.

Mr. FOSTER. Mr. Chairman, there probably will be some amendments offered here. May we agree on some time? I would like to get through with this bill, if possible to do so, to-night. I ask unanimous consent that debate on this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that all debate on this section and all amendments thereto be closed in 30 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. LaGUARDIA. Mr. Chairman, I have a preferential amendment.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois [Mr. FOSTER] before that amendment is offered, that in line 21 there is an error in the spelling of a word. It appears in the bill as "executon." It should be "execution." Without objection, the Clerk is authorized to amend it.

There was no objection.

Mr. LaGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LaGUARDIA offers the following amendment: Page 2, line 17, strike out the words "without regard to civil-service requirements" and insert in lieu thereof the words "in accordance with the provisions of the civil-service act of January 16, 1883."

Mr. LaGUARDIA. Mr. Chairman, I offered a similar amendment yesterday to the food-survey bill, and I intend to offer a like amendment to every bill that comes before this House in which there is an effort to make appointments throughout this country without regard to the civil-service law.

Yesterday the steam roller was brought into play, and I did not have an opportunity to appeal from the decision of the Chair. You all remember what happened when my amendment was offered on yesterday. You remember the energetic use of the gavel by the Chair. I was choked off and prevented from taking an appeal. I feel that the Chair and the Democratic side of the House knew what would happen if that appeal was presented to the House.

A MEMBER. What would have happened? [Laughter.]

Mr. LaGUARDIA. Why, yesterday and the day before the distinguished gentleman from South Carolina [Mr. LEVER] made a passionate appeal to this House for the passage of the food-survey bill, urging unity and harmony, and stated it was necessary to take the food survey; that it ought to be carried on without loss of time. To do so, I take it, he would need the best men available. We offered a means to employ efficient and capable men through the medium of the Civil Service Commission. You will all agree that the Civil Service Commission, with its personnel, equipment, and its facilities, is better able to select capable men, and in less time, than the Secretary of Agriculture could possibly do it—assuming that he intends to make any sort of a selection. Oh, no; the chairman did not insist on unity and harmony then; he was contented to raise a point of order and have the amendment ruled out. And now, gentlemen, we will have 7,000 men roaming all over this country with the ostensible purpose of preaching about hog cholera and incidentally extolling the virtues of the Democratic Party. [Applause.]

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. I regret I have not the time. I fail to see the consistency of the gentleman from South Carolina [Mr. LEVER]. If he is anxious to enact his bill into law and sincere in his motive, how could he refuse to take the best men available by selecting from a list of a competitive examination free from politics? I suppose we can not prevent you from creating jobs, but we do protest when you come before this House not only appealing to the patriotism of the Members of the House but appealing to their sentiment by exposing the empty stomachs of the American people, in order to jam through a bill con-

taining 7,000 jobs and carrying an expenditure of \$14,000,000. [Applause.] The people of this country believe that the food bill will bring relief. Yes; relief to the job hunters; but, in my opinion, it will bring nothing else.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. McKEOWN. Do you think the Civil Service ought to apply to the ladies that will be employed under the amendment offered by the lady from Montana, which was adopted yesterday?

Mr. LaGUARDIA. Yes; and the ladies will be willing to stand for it; they will be able to qualify intellectually.

Mr. MILLER of Minneapolis. And they will all qualify?

Mr. LaGUARDIA. Yes; some will qualify, the same as men. I would like to see these 7,000 experts who will go throughout the country distributing leaflets telling the farmers how to plant their soil. I am curious to know where they will be taken from.

Mr. WINGO. I have in mind a distinguished gentleman, a Republican in politics—

Mr. LaGUARDIA. Oh, a question only, please. I do not get a chance to have the floor very often.

Mr. WINGO. And the Bureau of Mines will utilize his services in case this law is passed in its present form, but will be unable to do so if the gentleman's amendment were adopted. The distinguished gentleman referred to is perfectly willing to go ahead and act under the authority of this bill if he is designated. Would the gentleman from New York try to shut that gentleman out?

Mr. LaGUARDIA. Absolutely. Why not?

Mr. BUTLER. Would it not be better to dispense with the services of one man in order to save a public law?

Mr. LaGUARDIA. Yes. You are putting this in to protect one Republican. Is that it? Yesterday you would not stand for my amendment, but choked me off in order to protect 7,000 Democrats. [Laughter.]

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. JAMES. One object of this bill is to work in connection with the mining and factory inspectors. As I understand, that was the reason why this amendment was put in.

Mr. LaGUARDIA. I understand that most of these people will be watchmen and inspectors.

Mr. WINGO. Oh, no; not only watchmen and inspectors.

Mr. LaGUARDIA. No matter what they are. You can select the men better able to do the work required by means of civil-service examination. A man may be a good Democrat and yet know very little about explosives.

I seriously urge the adoption of my amendment. It seems hardly fair to urge harmony and unity on these bills and in each carry a regiment of jobs with fat appropriations. [Applause.]

Mr. LONERGAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the Hartford Daily Times, one of the leading newspapers of New England, under date of May 28, 1917.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by inserting the editorial referred to. Is there objection?

There was no objection.

Following is the editorial referred to:

MAKING FEAR.

Certain Members of the Senate are said to be concerned, and a number of people outside the Senate are known to be concerned, over the extensive powers requested or demanded by the President in the present war crisis. He has obtained, or is obtaining, dictatorial control over many matters of public interest, including industry, agriculture, commerce, and transportation. Never before have we so extensively deputized what ordinarily rests in authority with the deliberative legislative body. Because it is unusual we are naturally a little apprehensive about it.

The times demand machinery for prompt and effective action in our conduct of the war, both as regards our course against our enemies and our domestic control. It is obvious that promptness and efficiency can not be secured through processes of argumentative discussion. The delay in Congress over the measure providing for the establishment of an army offers striking evidence of the weakness inevitable to such procedure. Conditions being abnormal, there is necessitated a departure from the governmental system which in ordinary times we find most compatible with the public welfare. Hence the investment of the Executive with powers much more sweeping than we ordinarily accept as tolerable.

We are permitting this delegation of authority with excellent grace because we have the national common sense to perceive the present necessity. Such apprehension as may exist arises from the suggestion that when the crisis has passed the powers may not find ready restoration to their normal possessors. It is intimated that this departure from our traditional processes may acquire something of permanency.

To develop real fear of this, however, requires an exaggerated nervous condition. Insistence upon the republican form of government is too much a part of each and every one of us to make usurpation possible even should the inclination exist. We are a sensible folk, choosing for the most part sensible public servants. We can not be op-

pressed by any one of our citizens, no matter what his post, because the other 999,999,999 of us are unalterably opposed to such a proceeding. We display sound conception of our present needs by taking steps to avoid the confusion and contradiction which so thwarted Abraham Lincoln at the start of the Civil War. It is hardly to be assumed we are silly enough to think that in so doing we are surrendering any portion of our liberties. If we must feel alarm in the premises, it must be lest the delegated authority be at some time faultily exercised. The perpetual avoidance of error is presumably impossible in any individual. But we may reasonably anticipate less of error through the operations of the indicated individual in the present case than we should obtain through the retarded decisions of our excellent Congress.

Mr. FOSTER. Mr. Chairman, the gentleman from New York [Mr. LA GUARDIA] has offered an amendment taking these employees out from the civil service.

Mr. HAMILTON of Michigan. Oh, no.

Mr. FOSTER. I desire to read this statement that appears in the hearings when a question was asked by Mr. JAMES, of Michigan. I read:

Mr. JAMES. On page 2, line 14, you provide:

"And for the purposes of this act the Director of the Bureau of Mines is hereby authorized and empowered to employ persons without regard to civil-service requirements or to contributions to their salaries from sources other than the Government of the United States."

Is that so you can work in connection with mine inspectors and factory inspectors?

Mr. MANNING. Yes. You know Congress has passed a law forbidding that, but it does not affect the Bureau of Mines, because our organic act provides that we may take in people who are engaged in private industries and pay them a nominal compensation. I have particular reference to the discussion that appeared in Congress with regard to the Bureau of Education. For instance, we might want to take in State inspectors; it might be necessary to have those men to carry on this propaganda in many communities, and we would pay them a nominal sum, say, \$1, \$10, or \$100, a nominal compensation, in addition to that which they were receiving from the State. These words are inserted in order to take care of certain legislation which now exists.

I will say to my friend from New York [Mr. LA GUARDIA] that the Bureau of Mines now has this very provision in their law, and it is done for that particular purpose. This is not intended to give any Democrat or any other partizan politician a job. The gentleman is mistaken about that. It is in order to efficiently carry out this provision.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes; for a question.

Mr. LA GUARDIA. Will the gentleman state if it is the same as the law we passed yesterday?

Mr. FOSTER. I do not know anything about the law we passed yesterday, but I do know that this need exists in the minds of the officials in the Bureau of Mines, and it is absolutely necessary, if the bureau is to be administered efficiently, that this provision should remain in this law.

Now, let me say this to my friend, that these men are not going to take the civil-service examination, and the Bureau of Mines would be constantly hampered in doing their work if this was not in the law. But this very provision is now in the law affecting the Bureau of Mines; and I want to submit to my friend from New York that it is fair and right that it should be there. This is only for temporary employment, if at all—very few men.

Mr. LA GUARDIA. Will the gentleman state any work that these employees will be called upon to do?

Mr. FOSTER. Yes; they may be called upon to make certain investigations in reference to explosives. They may have materials submitted to the Bureau of Mines, which is equipped to make examinations of that kind. They might want to call in some experts, and yet be unable to do so if this provision goes into the bill.

Mr. JAMES. On that point I asked Mr. Manning this question in the committee hearing:

Up in our mining district we have mine inspectors, elective officers; you expect to cooperate with them?

Mr. MANNING. Yes, sir. We expect, Mr. JAMES, to cooperate with everybody that we can get.

Mr. JAMES. In my own county we have one mine inspector and three deputies, and those men are in the mines every day.

Mr. MANNING. They are State officers?

Mr. JAMES. They are county officers.

Mr. MANNING. They are considered as State officials. We will have to utilize all those officers.

Mr. FOSTER. I will say to my friend from New York that I do not care about any job. I do not get any, anyhow. But I will say this provision ought to go into the law, and that it will require more officials than it would not to do this. Now, as I say, unless we put in this provision they could not utilize these men without going and having a civil-service examination. They would be precluded from doing it. And yet, if this is permitted to remain in there, there will be very few new people who will have to be employed under this bill—scarcely any. I should say—because they can utilize them in the way suggested by the gentleman from Michigan [Mr. JAMES].

Mr. MILLER of Minnesota. Then, why is the sum of \$250,000 asked for?

Mr. FOSTER. That is to pay general expenses. I do not know whether it will require that amount or not. It is simply authorized, that they can go up to that amount. I will say to my friend from Minnesota [Mr. MILLER] that this does not provide an appropriation. The Committee on Mines and Mining is not an appropriations committee. Since I have been on this committee we have never brought in a bill providing an appropriation. I do not think it is right that a committee which is not given the power to report appropriations should do that. I think that duty belongs to the Appropriations Committee. Let the Bureau of Mines or the Secretary of the Interior, or whoever it may be, come in and make a showing that they need that much money. They can not go beyond the amount authorized in this bill, but the Appropriations Committee, of which my honored colleague [Mr. CANNON] here is a member, can appropriate any necessary amount up to \$250,000. We do not make any appropriations.

Mr. MOORE of Pennsylvania. This bill does authorize an appropriation. I was going to ask if in any one of the preceding mining bills provision had been made for an appropriation?

Mr. FOSTER. Provision for an appropriation has been made in a mining bill, but none has ever been made that is left to the proper committee to appropriate. You will remember that we passed through the House the bill providing for the establishment of mine rescue stations and experimental stations. That bill did not carry one cent of appropriation. It simply provided for the establishment of those stations in a certain way, and the matter of providing the necessary money for their establishment was left entirely to the Appropriations Committee, where I think it ought to be, and I have specially avoided bringing in appropriations on these bills.

Mr. MOORE of Pennsylvania. Section 4 of this bill authorizes an appropriation of \$250,000.

Mr. FOSTER. That it may be appropriated. Now, if the Committee on Appropriations after a hearing decide that they do not need more than \$10,000, they will give them \$10,000, and that is all right. They can go before the Appropriations Committee and say what they need, anything within this amount of \$250,000.

Mr. MOORE of Pennsylvania. I will say to the gentleman in all fairness that the question has been raised that the Committee on Mines and Mining has no power to make appropriations.

Mr. FOSTER. No; they have not, and yet the gentleman from Pennsylvania has seen committees that had no appropriating power bring in bills authorizing appropriations, but we have never done that. And I want to say to my friend from Pennsylvania that so long as I am a member of that committee—and I think the committee as it is now constituted will never bring in a bill providing that an appropriation shall be made; but we have done the fair thing to the House. I think the right thing, as far as the House is concerned, is to let the Appropriations Committee take up this matter and look into it and decide the amount of money that is necessary, and if they need only a thousand dollars the Appropriations Committee can recommend that amount.

Mr. BORLAND. If that is true, section 4 is not needed.

Mr. MOORE of Pennsylvania. A question has been raised as to whether a point of order would not lie against section 4.

Mr. BORLAND. Section 4 is not needed, for the authorization of law is contained in section 3 and section 2. The Appropriations Committee on proper hearing is bound to provide according to the estimate.

Mr. FOSTER. That may be true.

Mr. BORLAND. Then section 4 ought to go out.

Mr. FOSTER. I simply state that the authorization was made. Now, if the appropriation can be made in a deficiency bill, that might be done. I do not know. But in all my dealings with the Committee on Appropriations I have never found it amiss in doing what Congress authorized it to do. In the bill establishing the Bureau of Mines I was criticized because we did not provide an appropriation to carry on the mining interests. I said to them at the time that I had faith in the Committee on Appropriations being big and broad enough to do what Congress had specified should be done.

Mr. MOORE of Pennsylvania. Does the gentleman think it is necessary to keep section 4 in the bill? If he has to go to the Committee on Appropriations anyhow, why raise the question in this bill?

Mr. FOSTER. I do not know that it is necessary.

Mr. MOORE of Pennsylvania. The committee undertakes to say that \$250,000 ought to be spent, but that is as far as it goes.

Mr. FOSTER. Up to that amount.

Mr. MOORE of Pennsylvania. The committee acknowledges that it has no authority to make an appropriation.

Mr. FOSTER. No; we could have brought in a bill appropriating \$250,000, and I think it would have been in order, but the committee has been fair, and we said we will not do that, we will leave it to the Committee on Appropriations. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA and Mr. LENROO) there were—yeas 14, nays 35.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wisconsin.

Mr. MOORE of Pennsylvania. Mr. Chairman, the amendment of the gentleman from Wisconsin is to strike out section 3. The language of the section is involved and admits of complications that even the committee will admit exists. It is proposed in sections preceding to give the President authority to issue a proclamation which shall include rules and regulations that are to take on the effect of law with regard to the use of explosives. The President is given all the power that is needed, apparently, in the first paragraph and the second section of the bill. Section 3 involves a lot of machinery which would doubtless be invoked in the proclamation. For instance, the Bureau of Mines, with the approval of the President, is to employ such persons without regard to the Civil Service and utilize such agencies and "all officers of the United States" and of the several States, Territories, subdivisions, and municipalities thereof, and all officers of the United States and of the several States, and so forth. That is a field so wide that it is difficult to comprehend just what it means.

Mr. FOSTER. Will the gentleman permit an interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. FOSTER. I will say that the intention of the bureau was to do this: For instance, to take the mine officers, the mine inspectors, and the commissioners and sheriffs of counties and employ these agencies with the Federal Government.

Mr. MOORE of Pennsylvania. Would not that be covered by the President's proclamation?

Mr. FOSTER. No; I think not.

Mr. MOORE of Pennsylvania. In the State of Pennsylvania we have a system for the inspection of mines and all the machinery that this paragraph refers to. Would that be placed under the direction of the Bureau of Mines?

Mr. FOSTER. No; they would work in cooperation with the Bureau of Mines. It would be a sort of welding together of the local machinery with that of the Federal machinery.

Mr. MOORE of Pennsylvania. And our State, I assume, would gladly cooperate at the suggestion of the President.

Mr. FOSTER. I do not think the proclamation of the President would do it; I think the section is necessary.

Mr. MOORE of Pennsylvania. Can the gentleman tell us what "such agencies" refers to?

Mr. FOSTER. Let me say that we have a commission which carries into effect the national law in regard to the transportation of explosives—one of the best bureaus there is anywhere. The Government would expect to cooperate along with that bureau, too.

Mr. MOORE of Pennsylvania. It seems to be a grouping up under the direction of the Bureau of Mines, when the President once authorizes it, of all the existing machinery of the various States—"and all agencies and all officers of the United States and of the several States, Territories, subdivisions, and municipalities"—it seems that everything you desire to be done could be done under the regulations of the President declared by proclamation and that section 3 is unnecessary.

I call attention to lines 23 and 24, and while the language, I think, is not clear down to that point, it is proposed in lines 23 and 24 to utilize the subdivisions of the municipalities, and so forth, which "shall have full authority for all acts done by them in execution of this act when performed by direction of the Bureau of Mines." "For all acts" they are to have full authority. Now, some one might order a man to be shot. Is "full authority" given for that? It does not say lawful acts. You propose to cover "all acts."

Mr. FOSTER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FOSTER. I am willing to have an amendment to carry out what was intended in the paragraph, and that is that there shall be a cooperation by all agents in trying to prevent the illegal use of explosives.

Mr. MOORE of Pennsylvania. The gentleman is fair, as he always is. But suppose there should be a riot at a mine, resulting from conscription or something of that kind, and these

"agencies" that are to have "full authority" for "all acts" done, should fire into a mass of men?

Mr. FOSTER. I do not think that relates to this at all; I think the draft law would have nothing to do with this.

Mr. MOORE of Pennsylvania. Or misunderstandings as to work and wages. That would be an act sanctioned by this paragraph, if authorized by the Bureau of Mines. It does not say "lawful acts." All acts are to be excused under this language.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to call the attention of the committee to some features of paragraph 3 which manifestly ought to be changed. For instance, this bill gives the President of the United States certain powers, imposing upon him certain duties, and then, in section 3, it gives the Bureau of Mines authority to employ persons for the purpose of carrying out the provisions of the act. We are giving the President the authority to act; we are directing him to act; and then we are telling a subordinate agency of the Government that it shall have authority and may appoint persons to do the work.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. I am just coming to what I think the gentleman is going to say—with the consent of the President.

Mr. FOSTER. Yes.

Mr. MILLER of Minnesota. That gives the President the right to veto, but it ought to give him the right in the beginning to initiate. If the President wants to delegate some of his authority, that can be done, perhaps. If he wants to appoint certain agencies in the administration to perform certain duties, he can do so under the bill; but the bill ought to give the President the power to appoint these men and not some subordinate branch of the Government.

When my time was exhausted a few minutes ago I had not quite completed that which I really desired to say. I think the exigencies that do exist in the mining centers of the country require some legislation, require some authority of this character. I believe that we should give to the President authority to regulate and control the manufacture and use of explosives, although it may be necessary that we give him authority to regulate and control certain individuals who use explosives who do not need any regulation and who should be left alone. In other words, to enable him to reach the evil it may be necessary to confer upon him authority which I trust he will not exercise, or in the exercise of which I trust he will give the highest and first consideration to the needs of those industries. The gentleman from Pennsylvania [Mr. SRONG], a member of the committee, was exceedingly full of foresight and wisdom. He, being a member of the committee, took occasion to pledge the Bureau of Mines that it would not enact any rules and regulations until he had viséed them and submitted them to the industries in his district to have them O. K'd. That may be all right for his district, but it does not suit mine at all, unless it be that the O. K.ing which his district gives may meet any objections that may come from the district that I represent. I trust that in the making of these rules and regulations the utmost care and circumspection will be exercised, and that it shall not be left to the Bureau of Mines and a committee of this House, but that there shall be consulted, not only the miners who use the explosives but the mining operatives throughout the country, in order that the rules and regulations will not be subversive of the best interests of the country.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. GARRETT of Tennessee. Does not the gentleman think it is somewhat preposterous to ask us to pass legislation with the assurance that the regulations that are to be adopted thereunder will be submitted to a particular committee of the House to be passed on by them?

Mr. MILLER of Minnesota. I think it is wholly improper and not justified by any procedure, and it would be a dangerous precedent ever to establish. Mr. Chairman, if I might proceed in the moment or two that I have left, I very much prefer this bill without the amendment which the committee has adopted by changing the first and second sections. I believe we should give power to the President to make certain rules and regulations. I think we should put in an affirmative statute that it is unlawful to commit any act in contravention of those. The whole position has been changed around by the amendment. In other words, we say that if a man manufactures or stores or has in his possession dynamite it is up to the Government to prove before it can convict him of any offense that his manufacture or possession thereof is contrary to the interest of the public defense, which will defeat in most instances the very terms of the bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LENROOT. Mr. Chairman, I sincerely hope that this motion to strike out section 3 will prevail. It ought to prevail both upon its merits and to make more secure the validity of the bill as it will be finally enacted into law. It must be remembered that whatever power we have to enact this legislation is under what is termed the war power, and if this legislation is to be sustained it will not be sustained simply because there is language here that says it shall be effective in time of war, but it will be sustained because the court, looking at this legislation as a whole will be able to say that it has a direct connection with the prosecution of the war, and therefore is within the power of Congress. But let section 3 remain in the bill, and what interpretation is likely to follow? Why, you put the duty upon the Bureau of Mines to enforce this act. What has the Bureau of Mines to do with the conduct of this war? You do not even permit the President to initiate the enforcement of the act. We have three departments of the Government that have to do with the carrying on of this war—the War Department, the Navy Department, and the Department of Justice—and the President is Commander in Chief of all three of them, and yet if section 3 remains in the bill a division of a department of the Government which has nothing whatever to do with war is charged with the enforcement of this act, which is termed a war measure. If this is a war measure, and sections 1 and 2 I admit, properly limited and restricted, are within our power, then its enforcement should lie with one of the departments of the Government that have to do with the subject of war, and the one that is specifically in charge, so far as the objects of this legislation are concerned, is the Department of Justice.

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

Mr. LENROOT. Yes.

Mr. HAMLIN. The gentleman will recall that I stated this morning that I was not especially wedded to these two next sections, but this has occurred to me in the light of what the gentleman has said. I do not believe it is susceptible of the construction that the gentleman puts upon it, that the power to enforce the act is delegated to the Bureau of Mines. There is delegated to the Bureau of Mines only the authority to employ persons in the execution of the act. That is all that is delegated to the Bureau of Mines.

Mr. LENROOT. Then if that be so, that authority is delegated to a department that has nothing to do with the conduct of the war.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. I can not yield further. Coming down to the merits of this proposition, this legislation is proper and necessary in connection with the Department of Justice. For instance, their special agent finds a man whom it is suspicious of having an intent to use explosives for blowing up some building or doing some injury.

If he finds that that man has an explosive in his possession for which he can not give a good account, then he is the one who should report it back to the Department of Justice, whose duty it is to prosecute under this penal statute. What has the Bureau of Mines to do with the enforcement of a penal statute of the United States? To whom will they report? Report to nobody except the Department of Justice, if at all, and surely it should be the special agents of the Department of Justice who should be employed. And there is ample authority under the law that we now have for employment of special agents of the Department of Justice to secure information looking toward prosecutions or violations of this penal statute. And I want to say that if there should be any attempt under the guise of the war power to enact legislation of this character, not for the purpose of successfully carrying on the war but for the purpose, however meritorious it may be in the public interest, to protect mines and individuals and the stealing of explosives and things of that kind, it can not be sustained under this legislation. If we want this legislation sustained, it should be clear upon its face that we do propose to confine it to the prosecution of the war, and you can not so do if you leave sections 3 and 4 in the bill.

Mr. FOSTER. Mr. Chairman, I believe that there is one minute remaining.

The CHAIRMAN. Yes.

Mr. FOSTER. The gentleman from Wisconsin [Mr. LENROOT] claims that this should be placed under the Department of Justice. I suggest that the gentleman has not made any effort to turn the internal revenue over to the Department of Justice. The gentleman can not show in this provision any reason why it can not be done in this case as it is done in the case of violations of the internal-revenue laws. What would be

done would be to turn over to the district attorneys of the Department of Justice any violation of the law, where it belongs.

Then there is another reason, Mr. Chairman, why it should be placed in the Bureau of Mines. It is because there is an organized bureau which has to do with explosives, and it either ought to go there or to the War Department. But after suggestion from the War Department and the other departments of the Government it was suggested because they had this organized bureau in the Department of the Interior that this law should be executed through that department.

Why, do you know, the Department of Justice does not deal with coal mining? It does not deal with explosives used in coal mining; but here is a bureau with all its workings confined practically to that department of the Government and its activities throughout the United States. And I say to you that the only place where it ought to be lodged is in the Bureau of Mines, in order that it may be properly taken care of.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment of the gentleman from Wisconsin [Mr. LENROOT] to strike out section 3.

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

Mr. FOSTER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 45, noes 30.

Mr. FOSTER. I demand tellers.

The CHAIRMAN. The gentleman from Illinois demands tellers.

Tellers were ordered, and the Chairman appointed Mr. FOSTER and Mr. LENROOT to act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 38.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That for the enforcement of the provisions of this act, including personal services in the District of Columbia and elsewhere, and including supplies, equipment, expenses of traveling and subsistence, and the purchase and hire of horse-drawn or motor-propelled passenger-carrying vehicles, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary.

Mr. LENROOT. Mr. Chairman, I move to strike out the section. I hope the gentleman from Illinois [Mr. FOSTER] will accept that, as long as the other section has gone out.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Mr. LENROOT moves to strike out section 4.

The CHAIRMAN. The question is on agreeing to the motion.

Mr. FOSTER. Does the gentleman from Wisconsin wish to discuss it?

Mr. LENROOT. I am willing to vote on it without discussion.

Mr. FOSTER. We are not.

Mr. LENROOT. Very well, then; I will discuss it.

Mr. Chairman, I wish to take only two minutes and say this, that now that section 3 is stricken out there is no possible excuse for section 4 remaining, unless you desire to appropriate money in the District of Columbia for the purchase of automobiles. [Applause.] That is all I have got to say on the section.

Mr. WINGO. Mr. Chairman, I am surprised at the remarks of the gentleman from Wisconsin [Mr. LENROOT]. Ordinarily he discusses things on their merits, and that is one of the qualities that has made me have such a great admiration for him.

The committee has stricken out section 3, and the gentleman from Wisconsin urges that as a reason why we should strike out section 4. I am always frank, and I do not care anything about section 4. Personally it does not please me, but as a member of the committee I recognize that from its viewpoint section 4 ought to stay, especially since you have cut out section 3, and I will tell you why. You could let section 3 stay in and then cut out section 4; but now that you have cut out section 3, the President is going to be compelled to appoint a lot of new men. Why? Under section 3, if it had remained in the bill, we would have authorized the Bureau of Mines, with the approval of the President, to use the police of the different States, the sheriffs of the different counties, and all the other local agencies in the different States, so as to save the expense, and that was the sole purpose that was had in mind when we wrote that provision in the bill, to avoid the necessity of appointing a lot of Federal employees, to try to save the people from being annoyed by a lot of Federal employees running around over the country; to save not only money but to save as far as possible local administration

and local enforcement of the law. But gentlemen who stood up here and offered objections to the bill to the effect that it was a violation of State rights were the first ones to go through the tellers and vote to kill section 3, which provided for services of local and State police officials. They talked one way and then voted the other way when the time came to act.

What you should have done, gentlemen, was to have allowed section 3 to remain in the bill and then strike out section 4. I could possibly see the common sense of that course. But by striking out the only provision, the only single provision giving the President the power to appoint any agencies or to pay those agencies you absolutely kill the law, and you leave it simply as a statute on the books. These things differ from ordinary crimes. Do you expect the agents of the Department of Justice throughout the country to enforce this law and locate the people who are trying to violate the law? If you do not use these local agencies, you are bound to have some Federal agencies appointed who will do this work.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I can not. Well, I will, although the gentleman when he spoke did not discuss the merits.

Mr. LENROOT. Has not the Committee on Appropriations full authority to recommend that there be given to the Department of Justice whatever is necessary?

Mr. WINGO. Oh, yes; the Department of Justice has a lot of agents now looking after the business of the United States falling under the jurisdiction of the Department of Justice. Does the gentleman mean to say that all the employees that are necessary to enforce the internal-revenue laws shall be appointed also by the Department of Justice?

Mr. LENROOT. Not under a statute like this.

Mr. WINGO. I think not. I think it is very necessary to keep this matter in the control of the Bureau of Mines. The Bureau of Mines is in direct control of and in touch with those agencies that use from 80 to 90 per cent of the explosives that are affected by this bill. This is a common-sense business proposition. This work ought to go to the Bureau of Mines. What does the Department of Justice and its different employees know about the use of explosives? What does the Department of Justice know about the voluntary cooperation of the railroads and the mines and miners and the munition manufacturers, who now are working under agreement with the Bureau of Mines for the purpose of trying to prevent the unlawful use of explosives? They have no knowledge whatever of the subject. Yet the Bureau of Mines, without any particular authority of law, has, through its own organization, cooperated with the various activities I have named throughout the country, and if this section had remained in the bill they had intended to use the agencies authorized by section 3 so as to give the people the protection of the law and carry out the provisions of the bill. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I can see no reason on earth why the President of the United States, under the authority contained in the first and second paragraphs of this bill, can not utilize every local official in the United States to carry out the provisions of the act.

Further, Mr. Chairman, I can see no reason on earth why the Department of Justice should not be given the full authority to do these specific things, using the agencies particularly belonging to the Government. I know that the Department of Justice now has men in the iron-mining regions and elsewhere who are doing the specific thing that this bill is trying to accomplish.

Mr. FOSTER. Does the gentleman know that they are appointed by the Bureau of Mines?

Mr. MILLER of Minnesota. And with an appropriation from the Committee on Appropriations that personnel can be enlarged. I can see no reason on earth why we should not strike out section 4, unless it is desired that we spend \$250,000 in the District of Columbia for some automobiles.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin to strike out section 4.

The amendment was agreed to.

Mr. WINGO. Mr. Chairman, I offer an amendment.

Mr. RAKER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. Wingo], a member of the committee, is recognized.

Mr. WINGO. Mr. Chairman, in line 16, page 3, I move to strike out the word "and" and insert the word "or."

Mr. RAKER. I accept that amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Wingo: Page 3, line 16, strike out the word "and" and insert the word "or."

The amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. HUDDLESTON offers the following amendment: Page 3, line 13, after the word "act," strike out the balance of line 13, line 14, and the words "this act" in line 15.

Mr. WINGO. Mr. Chairman, we have no objection to that amendment.

Mr. BORLAND. Oh, well, there is no use in the committee going back on their own bill.

Mr. HUDDLESTON. I wish to discuss the amendment.

Mr. WINGO. If the gentleman from Missouri [Mr. BORLAND] had kept up with the amendment of the gentleman from Arkansas, he would see that this is a very proper amendment.

Mr. HUDDLESTON. Mr. Chairman, as this bill now stands it punishes by fine or imprisonment those who may violate any regulation which the President may adopt with reference to this bill; and, as the gentleman from Arkansas [Mr. Wingo] has well said, the amendment should be agreed to, in order to be consonant with the amendment adopted at the beginning.

Mr. RAKER. Mr. Chairman, the amendment offered entirely emasculates the bill. You either want to strike out the enacting clause or else vote down this amendment. There is not any question about that. The only provision of the act that makes it penal is the rules and regulations promulgated by the President, and if the gentleman from Arkansas [Mr. Wingo] will listen to me I want to call his attention to this amendment. If it is agreed to you might as well strike out the enacting clause of your bill.

Mr. WINGO. I think not, if the gentleman is addressing his remarks to me.

Mr. RAKER. I am. I call the gentleman's attention to it.

Mr. WINGO. I have not been deceived by the amendments that have been adopted. Perhaps the gentleman has. I recognize that by the amendments which have been adopted the bill has been completely reversed, and it is entirely different from the plan that the committee originally reported.

Mr. RAKER. Why, no. Under section 2 the President shall promulgate rules and regulations, and those rules and regulations are what make it effective. As provided in section 1 it is unlawful for one to have these things in his possession, but there is no penalty provided in the bill, neither fine nor imprisonment.

A MEMBER. Section 5.

Mr. RAKER. Section 5 does not strike out this provision, because it simply says—

Mr. WINGO. Will the gentleman yield?

Mr. RAKER. I will.

Mr. WINGO. The gentleman does not understand. As I understand the amendment of the gentleman from Alabama, section 5, if adopted, will read as follows:

That any person or corporation who violates the provisions of this act shall upon conviction thereof be subject to a fine of not more than \$5,000 or imprisonment for not more than three years, or both.

Mr. RAKER. Let me call the attention of the gentleman to this fact: The rules and regulations that are to be promulgated under this act are the ones that are to be effective, are they not?

Mr. WINGO. The rules and regulations, as I explained to the gentleman when I was on the floor, constitute a protection and an exemption. The law, for a violation of which the offender is to be punished, is provided by section 1 as amended and not by the administrative rules that the President is directed to make.

Mr. RAKER. I am going to read section 1 as it will read:

That in time of war it shall be unlawful to manufacture, distribute, store, use, or possess powder, explosives, etc., in a manner detrimental to the public safety.

Then it says, in section 2:

That upon the passage of this act the President of the United States is authorized, empowered, and directed to prepare, make, and promulgate by public proclamation such rules and regulations in the interest of public safety as he may deem necessary governing the manufacture and distribution, storage, use, or possession for necessary or proper purposes in time of war all such powder, explosives, blasting supplies, and the ingredients thereof.

Now, you strike out the provision of the bill that makes it an offense to violate these rules and regulations. You have no law to say what it is. There is no designation as to what it is, what the storage shall be, what the shipment shall be, who shall hold it, and how he shall keep it or use it; and you then provide no penalty for the violation of these rules and regulations. But that bill is as absolutely worthless as a scrap of waste paper with this stricken out, and that is evidently the purpose and intent of this amendment. Either defeat the bill

and be consistent or vote down this amendment and make it effective. That is all.

Mr. SANDERS of Indiana. Mr. Chairman, I sincerely hope that this amendment will not prevail. I share the views expressed by the gentleman who just addressed the committee [Mr. RAKER] that to strike out this part of this section would make the bill meaningless. This bill has followed other bills which contain similar provisions. It provides for two things. One is the expression of the legislative will of Congress, and the other is a delegation of the power to make rules and regulations. All of these acts containing similar provisions, when it comes to the part of the bill providing for the penalty, have a provision that the person who violates the provisions of the act or the rules and regulations shall be subjected to the penalty. If the gentleman is right in his contention that it is surplusage to put it in, then it can do no harm to leave it in. In my opinion to strike out that portion of it would make meaningless the part that provides for rules and regulations, and I sincerely hope that the amendment will be defeated.

Mr. FOSTER. Mr. Chairman, I think this language ought to be left in the bill, and I hope that the committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and, the Speaker having resumed the chair, Mr. Housron, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3932) relating to the manufacture, storage, etc., of explosives and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FOSTER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FOSTER. I ask for a separate vote on the amendment of the gentleman from Wisconsin striking out section 3.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] demands a separate vote on the amendment of the gentleman from Wisconsin striking out section 3. Is there a demand for a separate vote on any other amendment?

There was no demand for a separate vote on any other amendment.

The other amendments were agreed to.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that this matter may go over until Thursday and be taken up immediately after the reading of the Journal and the disposition of matters on the Speaker's table.

Mr. LENROOT. I think we had better dispose of this to-night.

Mr. FOSTER. There will probably be a roll call.

Mr. LENROOT. Not unless the gentleman asks for it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. MOORE of Pennsylvania. I object.

Mr. FOSTER. A parliamentary inquiry, Mr. Speaker. If the House adjourns now, will this matter come up on Thursday morning?

The SPEAKER. Yes; the previous question having been ordered.

LEAVE OF ABSENCE.

Mr. McANDREWS, by unanimous consent, was given leave of absence indefinitely on account of illness in his family.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the river and harbor bill. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. FOSTER) there were 49 yeas and 39 noes.

So the motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House, under its previous order, adjourned until Thursday, May 31, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV,

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination for canal from Silver Springs to Ocala, Fla., of such width and depth as will meet the demands of commerce (H. Doc. No. 160); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 4759) to amend section 20 of the act to regulate commerce, approved February 4, 1887, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT: A bill (H. R. 4760) to amend section 60 of the national-defense act approved June 3, 1916; to the Committee on Military Affairs.

By Mr. BRAND: A bill (H. R. 4761) to punish fraudulent dealers in foodstuffs and fuel, to make the acts herein set forth criminal, and for other purposes; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 4762) to divorce transportation in interstate and foreign commerce from manufacture, mining, production, and dealing, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. SMITH: A bill (H. R. 4820) to restore to citizenship certain persons who entered the military or naval service of a foreign country; to the Committee on Immigration and Naturalization.

By Mr. KALANIANAOLE: Resolution (H. Res. 93) to promote the growing of food products in the Territory of Hawaii; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 99) authorizing the restoration and completion of the historical frieze in the Rotunda of the Capitol; to the Committee on the Library.

By Mr. DENT: Joint resolution (H. J. Res. 100) to make immediately available the appropriations provided for under an act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, approved May 12, 1917; to the Committee on Military Affairs.

By the SPEAKER: Memorial of the Legislature of the State of Washington, pledging the loyalty and support of the State of Washington in the present international crisis; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Washington urging the building of a military highway along the Pacific coast from the Canadian border to the Mexican border; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Oregon, relating to the recession to the State of Oregon of certain lands in Klamath County, Oreg.; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Indiana, favoring legislation to provide a suitable and appropriate monument over the last resting place of Gen. William Henry Harrison, the ninth President of the United States, at North Bend, Ohio, and the care of the burial place; to the Committee on the Library.

Also, memorial of the Legislature of the State of South Dakota, favoring legislation for the development of water power at different points in the State of South Dakota; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ASHBROOK: A bill (H. R. 4763) granting an increase of pension to Andrew Barker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4764) granting a pension to Jere M. Fitger; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 4765) granting an increase of pension to Percival Brumage; to the Committee on Invalid Pensions.

By Mr. EAGAN: A bill (H. R. 4766) for the relief of Herman Holpp; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 4767) granting an increase of pension to John W. Bennett; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 4768) granting an increase of pension to Allen T. Brandenburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4769) granting an increase of pension to Jennie J. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4770) granting an increase of pension to Amanda W. Clancy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4771) granting an increase of pension to Sarah J. Creighton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4772) granting an increase of pension to Emanuel Custar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4773) granting an increase of pension to Jesse Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4774) granting an increase of pension to Nathan M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4775) granting an increase of pension to Josiah Dock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4776) granting an increase of pension to Mary E. Glasp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4777) granting an increase of pension to Edward Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4778) granting an increase of pension to William Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4779) granting an increase of pension to Dixon M. Hepburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4780) granting an increase of pension to Alonzo M. Hobbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4781) granting an increase of pension to Sarah E. Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4782) granting an increase of pension to Alfred T. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4783) granting an increase of pension to Samuel Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4784) granting an increase of pension to Margaret B. Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4785) granting an increase of pension to Josiah Ketchum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4786) granting an increase of pension to Charles W. Mealey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4787) granting an increase of pension to Storer Packer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4788) granting an increase of pension to Jacob D. Peterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4789) granting an increase of pension to George W. Pitner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4790) granting an increase of pension to Joseph A. Pyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4791) granting an increase of pension to John W. Randels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4792) granting an increase of pension to John T. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4793) granting an increase of pension to Charles E. Speer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4794) granting an increase of pension to Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4795) granting an increase of pension to John W. Vanfossen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4796) granting an increase of pension to Mary J. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4797) granting an increase of pension to Isaac O. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4798) granting an increase of pension to Jacob Wetzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4799) granting an increase of pension to Simon Z. Whitelather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4800) granting an increase of pension to James B. Wilkinson; to the Committee on Pensions.

Also, a bill (H. R. 4801) granting a pension to William H. H. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4802) granting a pension to Louisa Jane Colvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4803) granting a pension to Martha E. Gibbons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4804) granting a pension to Mary Hildebrand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4805) granting a pension to Mary A. Horning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4806) granting a pension to Jonathan Milburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4807) granting a pension to Frank Bailey; to the Committee on Pensions.

Also, a bill (H. R. 4808) granting a pension to Winfield H. Handley; to the Committee on Pensions.

Also, a bill (H. R. 4809) granting a pension to Jacob Kopp; to the Committee on Pensions.

Also, a bill (H. R. 4810) granting a pension to Douglas D. Powell; to the Committee on Pensions.

Also, a bill (H. R. 4811) granting a pension to William Reed; to the Committee on Pensions.

Also, a bill (H. R. 4812) for the relief of William H. H. Bennett; to the Committee on Military Affairs.

Also, a bill (H. R. 4813) for the relief of Mary A. Horning, widow of Frederick Horning; to the Committee on Military Affairs.

Also, a bill (H. R. 4814) for the relief of Jonathan Milburn; to the Committee on Military Affairs.

Also, a bill (H. R. 4815) for the relief of Anna Bell O'Neal, widow of George E. O'Neal, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 4816) for the relief of Henry E. Thomas; to the Committee on Military Affairs.

Also, a bill (H. R. 4817) granting an honorable discharge to James H. Davis; to the Committee on Military Affairs.

Also, a bill (H. R. 4818) requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 4819) granting restoration of pension to Harriett S. Upright; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of trades-unions, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ANTHONY: Petitions of Mrs. F. H. Smith and others, of Hiawatha, Kans., favoring legislation to prohibit immoral influences near military posts and training camps; to the Committee on Military Affairs.

Also, petition of Rev. W. B. Stevenson and other citizens of Everest, Kans., favoring legislation to prohibit the manufacture of intoxicating liquor as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petitions of J. B. Horn and other citizens of Oneida, Kans., favoring legislation to prohibit consumption of food products in manufacture of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of Rate E. Stickel and other citizens of Reserve, Kans., favoring legislation to prohibit manufacture of alcoholic liquors as a means of conserving food supply of country; to the Committee on the Judiciary.

Also, petitions of G. W. Salisbury and other citizens of Effingham, Kans., favoring legislation to prohibit consumption of food products in the manufacture of intoxicating liquor; to the Committee on the Judiciary.

Also, petitions of Mrs. Frank H. Smith and other citizens of Hiawatha, Kans., favoring legislation to prohibit consumption of food products in manufacture of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of Rev. A. M. Crippin and other citizens of Mayetta, Kans., favoring legislation to prohibit manufacture of intoxicating liquor as a means of conserving food supply of the country; to the Committee on the Judiciary.

Also, petitions of F. R. Aldrich and other citizens of Hiawatha, Kans., favoring legislation to prohibit use of food products in manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Lee E. Geyer and other citizens of Hamlin, Kans., favoring legislation to prohibit use of food products in manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Rev. C. E. Holcombe and other citizens of Valley Falls, Kans., favoring legislation to prohibit the manufacture of alcoholic liquors as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petition of C. R. Craig and other members of Sabbath School at Winchester, Kans., favoring prohibition of liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of Rev. L. B. Pruitt and other citizens of Perry, Kans., favoring legislation to prohibit the manufacture of alcoholic liquors as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petition of Tracy C. Owen and other citizens of Rock Creek, Kans., favoring legislation to prohibit manufacture of alcoholic liquors as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petition of S. T. Barrett and other citizens of Centralia, Kans., favoring legislation to prohibit manufacture of alcoholic liquors as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petition of Rev. C. E. Heaton and other citizens of Basehor, Kans., favoring legislation to prohibit the manufacture of alcoholic liquors as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petition of B. O. Smith and other citizens of Hoyt, Kans., favoring legislation to prohibit manufacture of intoxicating liquor as a means of conserving the food supply of the country; to the Committee on the Judiciary.

Also, petition of M. U. Ramsburg and other citizens of McLouth, Kans., favoring legislation to prohibit use of food products in manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. CARY: Petition of Bradley & Metcalf Co., of Milwaukee, Wis., against the amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of J. J. Fleming, of Milwaukee, Wis., against importation of Chinese labor into the United States; to the Committee on Immigration and Naturalization.

By Mr. CURRY of California: Memorial of South San Joaquin Irrigation District of Manteca, Cal., favoring House bill 2772; to the Committee on the Public Lands.

By Mr. EAGAN: Memorial of the National Association of State Universities, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of L. Schepp Co., of New York City, against 10 per cent duty on goods on free list; to the Committee on Ways and Means.

By Mr. FOSS: Petitions of Chicago Woman's Club and others of Evanston, and Winnetka Woman's Club and Conservation and Economy Section of the War Emergency Union of Winnetka, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of Ancient Order of Hibernians in America relative to freedom for Ireland; to the Committee on Foreign Affairs.

By Mr. HADLEY: Petition of Loyal Order of Moose, Bellingham, Wash., protesting against the admission of oriental labor into the United States during the war; to the Committee on Immigration and Naturalization.

By Mr. HAMILTON of New York: Petitions of sundry citizens of Whitesville, and St. Peter's Church, of Westfield, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HELM: Petition of Berea (Ky.) College faculty, students, and citizens, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of Rev. E. S. Bowers, pastor of Methodist Episcopal Church, Brilliant, Ohio, and 75 other citizens of Brilliant and vicinity, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. HULBERT: Petition of 113 citizens of New York City against national prohibition; to the Committee on the Judiciary.

Also, memorial of National Institute of Social Sciences, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KELLY of Pennsylvania: Petition of citizens of Clairton, Pa., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of Wallace Memorial United Presbyterian Church, of Washington, D. C., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Haffey, Pa., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Turtle Creek, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of United Ministerial Association of Pittsburgh and other citizens of Allegheny County, Pa., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Philadelphia, Pa., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Pittsburgh, Pa., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. KEY of Ohio: Petition of Paul D. Crimm and 117 others, of Forest, Hardin County, Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of executive committee of the Rhode Island Life Underwriters' Association, urging that all life insurance extra premiums by reason of the war on all those engaging in military or naval service be sustained in some manner either by the State or National Government; to the Committee on Military Affairs.

Also, memorial of Mule Spinners' Association of Rhode Island, George Thornton, secretary, favoring absolute control of food by Government; to the Committee on Agriculture.

By Mr. LINTHICUM: Memorial of Woman's Civic League of Baltimore, Md., favoring House bill 4188, relative to food crisis; to the Committee on Agriculture.

Also, petition of the Mealy Manufacturing Co., of Baltimore, Md., relative to suggested amendments to the revenue bill by the jewelry industry; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Baltimore, Md., favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Baltimore, Md., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of executive committee of the State Grange of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McANDREWS (by request): Petition of citizens of Congress Park, Ill., relative to prohibition of liquor during period of the war; to the Committee on the Judiciary.

By Mr. McKENZIE: Petition of citizens of Lanark, Apple River, Light House, and Chana, Ill., favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany a bill for the relief of Walter P. Norris; to the Committee on Pensions.

By Mr. MORIN: Petition of 45 citizens of Pittsburgh, Pa., urging the immediate enactment of prohibition legislation as a measure for food conservation; to the Committee on the Judiciary.

By Mr. NICHOLS of Michigan: Petition of the Detroit Federation of Labor, demanding of Congress that men who enlist in the Army be paid the same rate of wages by the Government as they receive at their present employment, and that Congress be requested to take over the railroads, telephone, and telegraph systems and operate them; to the Committee on Military Affairs.

Also, petition of citizens of Detroit, Mich., demanding the enactment of legislation in favor of prohibition and that measures be taken to protect the boys in camp from vice; to the Committee on the Judiciary.

Also, petition of business men of Detroit, Mich., demanding that Congress enact legislation providing substantially for certain war measures as set forth and described therein; to the Committee on Ways and Means.

Also, petition of Detroit Federation of Labor, protesting against rate of postage increase and the establishment of the zone system as provided in the pending revenue bill; to the Committee on Ways and Means.

Also, memorial of the Detroit (Mich.) Typothetae-Franklin Association, against the increase of postage on second-class mail matter; to the Committee on Ways and Means.

By Mr. PARKER of New York: Petitions of sundry citizens and churches of Mechanicsville, Syracuse, Glen Falls, Burnt Hills, and Shuskan, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PRATT: Petition of A. M. Halseher, R. T. Stansbury, Russell Temple, Mrs. Mary Huber, and sundry other citizens of Corning, N. Y., and vicinity, favoring the immediate enactment of prohibition of the manufacture of alcoholic liquors and the immediate prohibition of the sale of intoxicating liquors for beverage purposes; to the Committee on the Judiciary.

Also, petition of Frank J. Shute, 38 Bennett St., Hornell, N. Y., favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of the Christian Alliance, at Waverly, N. Y., by Rev. Oliver Harnstreet, secretary, and Rev. O. J. May, presiding officer, favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of Methodist Church of Elmira Heights, N. Y., by C. D. Purdy, favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

By Mr. RAKER: Petitions of L. N. Brunswig, president Wholesale Druggists' Association, and Alfred E. Adams, of Retail Dry Goods Association, of Los Angeles, Cal., against the

Hardwick amendment to the Federal reserve act; to the Committee on Banking and Currency.

Also, petitions of sundry citizens of the State of California, against advance in rate on first-class letter postage; to the Committee on Ways and Means.

Also, memorial of South San Joaquin irrigation district, favoring passage of House bill 2772, relative to cultivation of arid lands of the West; to the Committee on Irrigation of Arid Lands.

By Mr. RAMSEYER: Petitions of citizens of Mingo, Ira, and Martinsburg, Iowa, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROSE: Petitions of the Methodist Episcopal Church of Williamsburg; citizens of Cambria, Tyrone, South Fork; Pioneer Bible Class of First Presbyterian Church and citizens of Johnstown, all in the State of Pennsylvania, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of Vaughn Class, Calvary Baptist Sunday School, of Washington, D. C., favoring prohibition of the use of fruits and grains in the manufacture of alcoholic liquors and the sale of same; to the Committee of the Judiciary.

Also, petitions of the Grady Bookbinding Co., the Frederick H. Levy Co. (Inc.), Philip Buxton (Inc.), the McCall Co., the McConnell Printing Co., the Stirling Press Printers, and G. D. Frion, all of New York, N. Y., protesting against increase in second-class postage rates; to the Committee on Ways and Means.

By Mr. SHOUSE: Petition of residents of Haven, Kans., favoring the prohibition of the manufacture and sale of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of citizens of Holsington, Kans., favoring the prohibition of the manufacture and sale of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of residents of Belpre, Kans., favoring the prohibition of the manufacture and sale of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of residents of Sawyer, Kans., favoring the prohibition of the manufacture and sale of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of residents of Plains, Kans., favoring the prohibition of the manufacture and sale of alcoholic liquors; to the Committee on the Judiciary.

Also, petition of residents of Kinsley, Kans., favoring the prohibition of the manufacture and sale of alcoholic liquors; to the Committee on the Judiciary.

By Mr. TILSON: Petitions of First Baptist Church of Meriden and First Baptist Church of West Haven, Conn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Petition of International Reform Bureau, Washington, D. C., favoring the prohibition of the liquor business as a war measure and opposing war tax on same; to the Committee on the Judiciary.

Also, petition of Colorado State Grange, praying that the United States Government prohibit the use of grains for brewing and distilling intoxicants during the period of the war; to the Committee on the Judiciary.

Also, petition of Colorado State Grange, 12,000 members, 175 local granges, praying that farm boys and men be exempted from military service in order to produce food; to the Committee on Military Affairs.

By Mr. WASON: Petition of Morning Star Grange, No. 62, of Lyme, N. H., urging that Congress, as a justifiable and economic war measure, shall as speedily as possible suppress and prohibit the use, sale, and manufacture of intoxicating beverages throughout the United States of America and all its Territories and dependencies; to the Committee on the Judiciary.

SENATE.

THURSDAY, May 31, 1917.

Right Rev. Julius W. Atwood, D. D., of Phoenix, Ariz., bishop of Arizona, offered the following prayer:

God of all power and might, the Maker and Ruler of men, we commend our Nation and the Members of this Senate to the guidance of Thy wisdom, to the keeping of Thy love. May the rulers whom Thy people choose to serve them serve Thee in honesty of purpose and uprightness of life. May they never forget their answerableness to the people whom they serve and to that people's God. Bless them in their ministry with an ever larger vision of truth, an ever deeper sense of the demands of righteousness, that through their faithfulness the life of our people may be guided by wise policies and lifted to higher ideals and nobler achievements.

And listen to us, our Heavenly Father, as we join once more in the prayer Thy Son taught his disciples to pray: Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. Through Jesus Christ our Lord. Amen.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

OFFICE OF THE COMPTROLLER OF THE TREASURY (S. DOC. NO. 38).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling attention to an estimate of appropriation transmitted on the 3d instant for an increase of the force in the office of the Comptroller of the Treasury for the fiscal year 1918, \$31,940, and which has not as yet been provided for, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a telegram, which will be incorporated in the RECORD and referred to the Committee on Military Affairs.

The telegram is as follows:

LOS ANGELES, CAL., May 28, 1917.

HONORABLE GENTLEMEN OF THE UNITED STATES SENATE,

Washington, D. C.:

I have invented guns, bomb throwers, shells, and other devices which fire the guns and operate automatically against torpedoes, shells, or ball fire from enemies when they strike near them. My invention applies to all kinds of guns and firearms. It is at your command. Drawings can be examined here.

ROBERT LEE WRIGHT.

The VICE PRESIDENT. The Chair lays before the Senate a petition of the County Carlow Society of New York (Inc.), which will be incorporated in the RECORD and referred to the Committee on Foreign Relations.

The petition is as follows:

COUNTY CARLOW SOCIETY OF NEW YORK (INC.),
New York, N. Y., May 17, 1917.

Whereas the Constitutional Party in Ireland has fought for more than 40 years to secure self-government;

Whereas the British Government, after trying every means within its grasp to stifle that movement, was compelled at last to bow to the wishes of the people, and passed a modified measure of local autonomy;

Whereas an insignificant but pampered minority in the northeast of Ulster induced the Government, under threats of physical force, to suspend the said act and promise in addition before putting it in force an amendment which will practically destroy the limited powers of the Irish Parliament;

Whereas the British Government once more has broken faith with the Irish people: Be it

Resolved, That we, the members of the County Carlow Society (Inc.), of the city of New York, all loyal and patriotic Americans, proclaim our belief that England will never do justice to Ireland unless compelled by some outside force. We are of the opinion America is now in a favorable position to exercise that force to compel England to make good her promises in reference to small nationalities held in subjection by a foreign foe. She is the foreign foe and Ireland is the oppressed small nation; be it

Resolved, That no settlement short of absolute independence will satisfy the aspirations of the Irish people.

THOMAS C. HENNESSY, President.

JOHN WILKINSON, Secretary.

The VICE PRESIDENT. The Chair lays before the Senate a letter from A. D. Pentz, of New York City, N. Y., which will be incorporated in the RECORD and referred to the Committee on Naval Affairs.

The letter is as follows:

THE SANTISEPTIC MANUFACTURING CO.,
New York, May 29, 1917.

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

DEAR SIR: Having read and heard that several submarines have been located and captured by observing the actions of sea gulls, the following idea for locating submerged submarines has presented itself to me:

This being a fact, should friendly submarines be sent to sea each day to scatter food while submerged, awash, and while running, the sea gulls would be educated very quickly to follow the undersea boats, expecting to find food.

The passage of a law forbidding the disposal of refuse from all other boats while within the areas of submarine activity would whet the appetite of the "aerial police dogs."

From personal observation of these birds the indications are that they will very quickly learn to recognize and follow their new and only source of obtaining food.

The expectant following gulls thus become a telltale to the immediate vicinity of your quarry.

Any means at hand to be used to destroy or capture the unsuspecting submerged submarine.

With this means the U-boats could be located and cut off at or near their northerly base, thus keeping the southerly shipping lanes free of their menace.

Remember that sea gulls are always on hand with but one object in life—food—which they must have or die. Their eyesight enables them