

By Mr. SANDERS of New York: Petition of the Methodist Episcopal Church of Pavilion, N. Y., urging the passage by Congress of a national war prohibition measure, preventing the use of foodstuffs for the manufacture of intoxicating beverages, and limiting liquors on hand to nonbeverage uses; to the Committee on Military Affairs.

Also, petition of the Mutual Friends Club, of Perry, N. Y., composed of 50 ladies, protesting against the zone system of postage for periodicals; to the Committee on Ways and Means.

SENATE.

MONDAY, May 13, 1918.

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

We thank Thee, our Heavenly Father, for the consolations of Thy grace. At this time of great anxiety, with the increasing burdens and distress of nations, we rejoice that we can turn to Thee and find comfort in that grace which is able to help in time of need. Thou art our refuge and strength, a very present help in trouble. O God, do Thou make us profoundly grateful for our exalted privileges and may we never fail to lay claim upon the provisions of Thy grace. Give us good cheer amid the world's dread frown. Give us calm composure amid the strife and tumult of nations. Give direction to all our efforts, and do Thou rule and overrule all the affairs of the nations at war for the betterment of mankind and for the extension of Thy Kingdom. We ask it for Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The message also announced that the House had passed a bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present a petition of citizens of Tallahassee, Fla., and also of the Orlando Board of Trade, of Florida, which I ask to have printed in the RECORD.

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

TALLAHASSEE, Fla., May 7, 1918.

Hon. DUNCAN U. FLETCHER, Hon. PARK TRAMMELL, Hon. WALTER KEHOE, Hon. H. J. DRANE, Hon. FRANK CLARK, Hon. W. J. SEARS,

Washington, D. C.:

We, the undersigned citizens of Tallahassee and Florida, hereby urge you to use every means within your power to oppose the passage of the following provisions in the pending naval appropriation bill, viz:

"That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonuses or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

We feel that the United States Government should be free to take any action which will speed up the work at the munitions plants, shipbuilding plants, and various industries manufacturing war materials of any and every description, and if it be necessary to stimulate production to offer any cash or other bonuses as rewards of merit and patriotism, this matter should be left entirely within the jurisdiction of the proper officials, who shall act only under the authority of President Wilson.

We deprecate any attempt, under whatever guise, to hamper or cripple the efforts of our Government at this critical time, and urge you, as true Americans, to stand by the President in this matter and to oppose any bill which carries within its provisions any power whatsoever that can lower the efficiency and retard the speed of war preparations. The honor of our country must be backed by our every dollar and our utmost personal support.

W. CLAY CRAWFORD,
Secretary of State
(And others).

THE ORLANDO BOARD OF TRADE,
Orlando, Fla., May 9, 1918.

Hon. D. U. FLETCHER,
Washington, D. C.

DEAR SIR: At a meeting of the directors of the Board of Trade of Orlando, Fla., it was resolved that we urge upon you the necessity of defeating that provision of the pending naval appropriation bill which has for its object the nullifying of any efficiency methods affecting employees engaged on Government work, and you are hereby urged to use your best efforts to that end.

H. H. DICKSON, President.
W. S. DE WITT, Secretary.

Mr. SMITH of Georgia. I present resolutions of the National Woman's Party of the ninth congressional district of Georgia, which they ask to have printed in the RECORD, and I ask it, also.

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

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Whereas the women of this country are called upon to cooperate in war for democracy, and our allies, deep in this war, are enfranchising women:

Resolved, That we, in mass meeting assembled, May 2, 1918, believing in a "government of the people, by the people, and for the people," call upon you to vote in favor of the Susan B. Anthony amendment.

Mrs. W. I. HOBBS,
Chairman National Woman's Party,
Ninth Congressional District, Georgia.

Mr. SMITH of Georgia. I present a memorial of the Rome (Ga.) Chamber of Commerce, which I ask may be printed in the RECORD.

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

Resolution of the Rome Chamber of Commerce.

Whereas the Chamber of Commerce of the United States, assembled in its war convention in Atlantic City last September, urged as a war measure the prompt improvement of public highways; and

Whereas the transportation requirements of the country, due to the war, can be only met by complete coordination of the carrying capacities of railroads, highways, and waterways; and

Whereas there has developed in our country a tremendous increase in highway transportation for the haulage of munitions, foodstuffs, and essential supplies; and

Whereas we recognize the necessity of a Federal war-time policy in respect to highway improvement, permitting the various States to immediately formulate a definite highway program: Therefore be it

Resolved, That we urge upon the Federal Government and the several States the importance of adopting a program that will insure adequate highway construction and maintenance, so that our highways may properly carry their share of the burden of transportation; and be it further

Resolved, That we urge upon the President and the Members of Congress the creation of a centralized Federal authority to determine the highway policy of our Government, with power to determine the highway administration of that policy.

Mr. VARDAMAN. I ask to have inserted in the RECORD, without reading, resolutions adopted at a meeting of De Soto Camp, United Confederate Veterans, No. 220, of Hernando, Miss., indorsing the administration.

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

HERNANDO, Miss., May —, 1918.

At a regular meeting of De Soto Camp, United Confederate Veterans, No. 220, May 6, 1918, the following resolution was adopted by rising vote:

We, the De Soto County Confederate veterans, in annual meeting assembled, resolved, and we do hereby reaffirm and reiterate, that we tender our services and every energy to President Woodrow Wilson in his noble and patriotic defense of our Government in the defense of right and justice of humanity, in democratic promises of freedom and liberty, against absolutism, monarchy, materialism, and atrociousness of German despotic Kaiserism.

W. L. GLENN, Commander.

Mr. NELSON presented resolutions adopted by the Slovenian Republican Alliance, of Eveleth, Minn., pledging allegiance to the United States, the President, and the Government in the prosecution of the war, which were referred to the Committee on Foreign Relations.

He also presented a petition of George A. Morgan Post, No. 4, Grand Army of the Republic, Department of Minnesota, of Minneapolis, Minn., praying for an increase of pension to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Rochester, Minn., and the petition of W. E. Ziegler, of Aurora, Minn., praying for national prohibition as a war measure, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of the Chamber of Commerce, of Jackson, Mich., and a petition of the Rotary Club, of Ypsilanti, Mich., praying for the enactment of legislation to provide adequate construction of public highways, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of James B. Brainerd Post, No. 11, Grand Army of the Republic, Department of Michigan, of Eaton Rapids; of Farragut Post, No. 32, Grand Army of the Republic,

Department of Michigan, of Battle Creek; and of Joseph R. Smith Post, No. 76, Grand Army of the Republic, Department of Michigan, of Monroe, all in the State of Michigan, praying for increase in pensions to veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Chicago, Ill., praying for enactment of legislation to provide adequate construction of public highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Federation of Woman's Clubs, of Detroit, Mich., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of the Brotherhood Sunday School Class of the Methodist Episcopal Church, of Winfield, Kans., and a petition of the Commercial Association, of Winfield, Kans., praying that Congress arrange with the Governments of all the allied nations for a day of fasting and prayer, which were referred to the Committee on the Judiciary.

Mr. FERNALD presented a petition of the faculty and students of Bates College, of Lewiston, Me., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations, which I ask to have printed in the RECORD.

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

State of Rhode Island and Providence Plantations. January session, A. D. 1918. H. 866. (Mr. Peck, of Barrington.) Approved Apr. 19, 1918.]

Resolution indorsing the proposed council of States on the establishment of a definite relationship between sources of Federal and State revenues and providing for official representation therein.

Whereas at a congress of States convened at Atlanta, Ga., in connection with the Eleventh National Conference on Taxation, in November, 1917, a resolution was adopted favoring the organization of a council of States for the purpose of considering the relationship between Federal and State sources of revenue, with a view to determining what sources should be reserved for State purposes and what sources should be regarded as exclusively for the purposes of Federal Government; and

Whereas the said congress of States, with an official representation from 43 States, was convened with the sanction of the President of the United States; and

Whereas it is designed that the proposed council of States shall be convened under the authority of the State legislatures in order that its conclusions can be presented to the several States and to the Congress of the United States with the force of official authority and with better prospects for the enactment of the necessary legislation for carrying its recommendations into effect; and

Whereas the preparations for the said council of States, including the selection of a suitable date, have been placed in charge of a general committee, of which Hon. Walter E. Edge, governor of New Jersey, is chairman; Hon. Hugh Dorsey, governor of Georgia, is first vice chairman; Hon. Carl E. Milliken, governor of Maine, is second vice chairman; Edward A. Dixon, chairman of the California State Tax Commission, is treasurer-secretary; and Charles J. Tobin, secretary-treasurer of the New York State Tax Association, is assistant secretary: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby respectfully urges upon the Congress of the United States and upon the legislatures of the several States the passage of the necessary legislation to insure a representation on behalf of the Federal Government and of the several States at the proposed council of States.

Resolved, That his excellency the governor be, and he hereby is, authorized and empowered to appoint delegates to represent the State of Rhode Island officially at said proposed council of States.

Resolved, That a copy of these resolutions be forthwith transmitted by the secretary of State to the President of the United States, to the Members of the Congress of the United States from the State of Rhode Island, and to the chairman of the general committee.

A true copy.

Attest:

[SEAL]

J. FRED PARKER,
Secretary of State.

Mr. COLT presented resolutions adopted by the General Assembly of the State of Rhode Island, favoring the repeal of the present zone system of postage rates on second-class mail matter, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4498) to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, reported it without amendment and submitted a report (No. 438) thereon.

Mr. WEEKS, from the Committee on Military Affairs, to which was referred the bill (S. 1879) for the relief of John C. Hesse, reported it without amendment and submitted a report (No. 439) thereon.

He also, from the same committee, to which was referred the bill (S. 3410) for the relief of Charles Mace, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (S. 72) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States, reported it with an amendment.

Mr. WADSWORTH, from the Committee on the Library, to which was referred the bill (S. 4423) relating to the deposit of copyrighted books upon medical and allied subjects, reported it without amendment and submitted a report thereon.

BRIDGE IN SOUTH CAROLINA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 4445) granting the consent of Congress to Marion and Horry Counties, S. C., to construct a bridge across Little Pee Dee River, and I submit a report (No. 437) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

BILL INTRODUCED.

Mr. SMITH of Georgia introduced a bill (S. 4533) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was read twice by its title and referred to the Committee on the Judiciary.

SCHOOL LAND IN SANDERS COUNTY, MONT.

Mr. MYERS. Mr. President, on Saturday afternoon in my absence, at the request of the esteemed Senator from North Dakota [Mr. McCUMBER], the Senate very kindly, by unanimous consent, took up and passed a little bill of mine to sell at their appraised value some town lots in Bowdoin, Mont., to a church organization at that place for church purposes, Senate bill 4154. I desire to express my very warm appreciation for the great kindness of the distinguished Senator from North Dakota and to the Senate as well. The most kindly action of the Senator from North Dakota is very warmly appreciated by me, as is the kindness of the Senate. I take this occasion to thank the Senators, and particularly the Senator from North Dakota. It was very good of all concerned.

The Senate was so good to me on Saturday in passing my bill for the sale of some town lots to a church that I am encouraged now to ask of it another favor—one very similar. There is a little bill on the calendar, Senate bill 933, to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9 of Sanders County, Mont. The land is by existing law set aside for public purposes. The Secretary of the Interior is in favor of giving the land for school purposes, but says it requires an act of Congress to cause the land to be conveyed to the school district and to be dedicated to that particular use—education. The citizens there want to build a schoolhouse and they are ready and anxious to begin, but they can not until authority is given. I ask unanimous consent for the immediate consideration of the bill.

Mr. GALLINGER. I shall not object to the Senator's request after the routine morning business is completed, but I must object now.

Mr. ASHURST. Mr. President, I do not rise to object, but I think by objecting we may go to the calendar when the morning business is closed. I hope that we may have an hour and a half for the consideration of the calendar this morning, because there is a large number of bills on the calendar similar to this one that ought to have attention.

Mr. GALLINGER. The regular order!

Mr. ASHURST. I hope this bill will go through; but I trust we may have an hour and a half for the calendar this morning after we get through with the morning business.

Mr. MYERS. I would not make my request if I thought there would be any chance for a call of the calendar this morning, but I do not believe there will be. I have given up hope of the calendar being called again this session.

COST OF AGRICULTURAL IMPLEMENTS.

Mr. THOMPSON. Mr. President, I should like to call up Senate resolution 223 for completion. It is a resolution to require the Federal Trade Commission to investigate the high cost of farming implements. I have had it up twice, but certain objections were raised to some features of the resolution on the Republican side of the Chamber, which I have agreed to eliminate in order to get it passed, although I would prefer to leave the resolution as originally drawn. The resolution as

amended simply states in general terms what I tried to describe specifically. If I can get the resolution up, I think it can be put to a vote and carried speedily.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I have no objection to taking up the resolution provided the Senator will accept the amendment I suggested.

Mr. THOMPSON. I am willing to do that to get it passed speedily, as I deem it of great importance to get the information called for as soon as possible. After conference I have agreed to the amendments suggested by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Utah [Mr. SMOOT]. It is only a question of making those amendments and getting a vote.

Mr. FLETCHER. I do not desire to object, but I wish to give notice that following the unfinished business, the Post Office appropriation bill, I shall move to take up the river and harbor bill.

The VICE PRESIDENT. Is there objection to the consideration of Senate resolution 223? The Chair hears none.

Mr. THOMPSON. I send to the desk the amendments I have agreed upon with the Senators on the other side who objected to certain provisions in the resolution. I am willing to make the amendments.

Mr. GALLINGER. Let the resolution be read as the Senator from Kansas proposes to amend it.

Mr. THOMPSON. The Senator from New Hampshire will observe, and also the Senator from Utah, that I have amended the resolution in accordance with my verbal agreement with them.

The Secretary proceeded to read the resolution as amended.

Mr. SMOOT. The word "manufacture" should be stricken out before "production, or supply of any of the articles enumerated."

Mr. THOMPSON. The word "manufacture" makes it plainer.

Mr. SMOOT. No; I do not think it will make it plainer.

Mr. THOMPSON. Production includes manufacture.

Mr. SMOOT. Then let it include it, if it does so. Let it read "prices, production, or supply of any of the articles enumerated as follows."

Mr. THOMPSON. Very well.

The Secretary resumed and concluded the reading of the resolution as proposed to be amended, which is as follows:

Resolved, That the Federal Trade Commission be, and it is hereby directed, under the authority of the act entitled "An act to create a Federal Trade Commission, to define its purposes and duties, and for other purposes," approved September 26, 1914, to investigate and report to the Senate the cause or causes for the high prices of the articles hereinafter mentioned required to be bought and used by the farmers of the country on the farms, and to investigate and report the facts relative to the existence of any unfair methods of trade or competition by manufacturers and dealers in any of the articles hereinafter mentioned in respect to any act, combination, agreement, or conspiracy to restrict, depress, or control the prices, production, or supply of any of the articles enumerated as follows, to wit:

Agricultural implements and machinery of every kind and description.

And that the Federal Trade Commission report whether, under the facts found, the farmers are required to pay an unreasonable price for the things they are required to purchase and use on the farms in the production of food products, and whether they are thereby prevented from making a fair profit for their labor and money expended toward production.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

WAR-RISK INSURANCE.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended. The bill was unanimously reported with certain amendments by the Finance Committee of the Senate, and it is a matter of great importance.

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

Mr. JONES of Washington. The bill ought to be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, on page 1, line 11, after the word "Samoa," to strike out "armed" and insert "native," and in the same line, after the word "guard," to strike out "of the Navy" and insert "and band," so as to read:

That section 200 of the act entitled "An act to authorize the establishment of a bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, is hereby amended to read as follows:

"SEC. 200. That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States, except the Philippine Scouts, the insular force of the Navy, and the Samoan native guard and band."

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 23, after the word "children," to strike out the numerals "\$47.50" and to insert "\$42.50," so as to read:

(c) if there is a widow and two children, \$42.50, with \$5 for each additional child up to two.

The amendment was agreed to.

The next amendment was, in section 11, page 9, after line 2, to insert:

(h) To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable: *Provided, however*, That for the loss of both feet, or both hands, or both eyes, or for becoming totally blind or helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be \$100 per month: *Provided further*, That no allowance shall be made for nurse or attendant.

The amendment was agreed to.

The reading of the bill was continued to the end of section 13, page 9, line 19.

Mr. SMOOT. After the section just read I move to insert, after line 9, the amendment I send to the desk.

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

The SECRETARY. On page 9, after line 19, it is proposed to insert as a new section the following:

Sec. 14. That section 312 of said act is hereby amended to read as follows:

"SEC. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to any person in the active military or naval service on the 6th day of October, 1917, or who thereafter entered the active military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law have heretofore accrued."

Mr. SMOOT. I will say to the Senator from Mississippi that the only amendment of the present law proposed by the amendment which I have offered is the insertion of the word "active" before the word "military."

Mr. WILLIAMS. Mr. President, I understand the amendment which is proposed by the Senator from Utah. The Committee on Finance has agreed to such an amendment, and has merely left it to the Senator from Utah to draw it. On behalf of the committee I accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. LEWIS. Mr. President—

Mr. WILLIAMS. We are not yet through with the bill.

Mr. LEWIS. I want to address myself to a feature of the bill. I shall only occupy a moment of time. I merely wish to do so when it is agreeable to the Senator. I thought the Senator had concluded this bill for consideration.

Mr. WILLIAMS. The reading of the bill has not yet been finished.

Mr. LEWIS. I understood the reading of the bill had been concluded. Am I in error?

The VICE PRESIDENT. The reading of the bill has not yet been concluded.

The next amendment of the Committee on Finance was, in section 14, page 10, line 23, after the word "paid," to insert "and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulation," so as to make the proviso read:

Provided, however, That not more than 240 of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid; and in that event the amount of the monthly installments shall be apportioned between them as may be provided by regulation.

The amendment was agreed to.

The next amendment was, in section 15, page 11, line 1, after the word "section," to strike out "17" and to insert "14," and in line 15, after the word "section," to strike out "17" and insert "14," so as to make the section read:

Sec. 15. That section 14 of this act amending the automatic insurance provisions of section 401 of the act approved September 2, 1914, as amended, shall be deemed to be in effect as of October 6, 1917: *Provided*, That nothing herein shall be construed to interfere with the payment of monthly installments, authorized to be made under the provisions of said section 401 as originally enacted, for the months up to and including June, 1918: *Provided further*, That all awards of automatic insurance under the provisions of such section 401 as originally enacted shall be revised as of the 1st day of July, 1916, in accordance with the provisions of said section 401 as amended by section 14 of this act.

The amendment was agreed to.

The next amendment was, in section 16, page 11, line 17, after the word "effect," to strike out "on the 1st day of July, 1918," and to insert "upon and from the date of its passage, except that sections 1 to 5, both inclusive, shall take effect upon the 1st day of July, 1918," so as to make the section read:

SEC. 16. That this act shall take effect upon and from the date of its passage, except that sections 1 to 5, both inclusive, shall take effect upon the 1st day of July, 1918.

The amendment was agreed to.

MR. LEWIS. Mr. President, I have prepared an amendment to this measure, and had intended to press it, when I discovered that it embodies much which might occupy time this morning, and that would be rather unfair to other business.

I desire now to say that I feel this bill as now presented ought to comprehend all the employees of the Government, particularly those in shipyards, and those in munition plants, and that it should cover the employees of the Government to the same extent and with the same advantages that now apply to soldiers. I shall not press the amendment, but I will give notice that I shall tender a bill to extend this soldiers' risk insurance to all the employees of the Government. I also give notice that I shall follow that bill with a bill to extend the system to all wage earners of the United States of America, and shall present it later on the floor in full; but because of the consideration of the conference report, as well as of the desire of the Senator from Mississippi to press this particular measure at this time, I withhold the amendment which previously I had given notice that I would now present. I do so for the reasons I have stated.

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

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

ARTICLE BY CHARLES WARREN.

MR. SWANSON. I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

MR. THOMAS. Will the Senator yield to me?

MR. SWANSON. I yield.

MR. THOMAS. Mr. President, the New York Times yesterday contained an article from the pen of Mr. Charles Warren, formerly Assistant Attorney General of the United States, entitled "Lincoln's despotism as critics saw it in 1861." In view of the present tendency to assail the President of the United States and to object to the conferring upon him of needed war powers, a contrast is presented by this article in that it gives the experiences of Abraham Lincoln at a similar crisis in our country's history. I ask unanimous consent, therefore, that the article be inserted in the Record without reading.

THE VICE PRESIDENT. Is there objection?

MR. GALLINGER. I will ask the Senator if he has looked into the matter at all to know whether it is a fair presentation of the subject?

MR. THOMAS. I have read it with a great deal of interest. I know a good part of it to be authentic, and I have no doubt the remainder is.

MR. GALLINGER. Some of us who lived in the days of Lincoln did not suppose he was a despot, which, I judge from what the Senator has stated, is indicated in this article.

MR. THOMAS. Well, that is true; and yet a great many Members of Congress, both Republican and Democratic, the latter preponderating, thought so then.

MR. GALLINGER. Yes, of course; they thought a great many bad things about Lincoln.

MR. THOMAS. As they are now thinking a great many bad things about the present President of the United States.

MR. GALLINGER. Just one other observation. I do not know anybody who is making an attack upon the present Chief Executive. I do not discover it.

MR. THOMAS. There have been such attacks.

MR. GALLINGER. They are not made here; they are not made in the other House; and they are not made in the public press.

MR. THOMAS. There have been no personal characterizations of the President up to this time, fortunately, as there were of the acts of Mr. Lincoln; but the tendency is in that direction. In any event, I regard this article at present quite opportune.

MR. GALLINGER. Well, Mr. President, I do not object to it going in for what it is worth; but I have some doubt as to its authenticity.

THE VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

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

[From the New York Times, May 12, 1918.]

LINCOLN'S "DESPOTISM" AS CRITICS SAW IT IN 1861—CRITICISM OF MR. WILSON'S VAST WAR POWER RECALLS ATTACK ON CIVIL WAR PRESIDENT—BLOCKADE, MARTIAL LAW, AND SEIZURE OF RAILROADS AND TELEGRAPH LINES WERE ASSAILED, BUT CONGRESS RATIFIED THEM.

(By Charles Warren, ex-Assistant Attorney General of the United States.)

[Charles Warren, the writer of this article, ceased to be Attorney General Gregory's assistant after showing active interest in Senator CHAMBERLAIN's court-martial bill, which Mr. Wilson strongly opposed. Senator CHAMBERLAIN withdrew the bill after the President had denounced it in a letter to Senator OVERMAN.]

Frequent criticism is heard to-day of "arbitrary power" given to or asked by the President. Talk is rife of "one-man power," "dictatorship," "autocratic government," and the like.

Political memories in this country are short. Few recall that similar criticisms, charges, and attacks were made, 55 years ago, upon President Lincoln, though they were more violent and expressed in far more savage and unrestrained language.

Who now recalls that on the floor of Congress Lincoln was termed again and again "tyrant," "usurper," "despot"—as "absolute as the Czar of Russia"? Senator after Senator charged that for much less arbitrary acts kings of England and France had lost their heads. One of them termed Lincoln "the most weak and imbecile man" he had ever met. Benjamin R. Curtis, a former justice of the United States Supreme Court, described Lincoln's powers as "a military despotism." (Curtis pamphlet on Executive Power, Oct. 18, 1862.) And Joel Parker, a former chief justice of the Supreme Court of New Hampshire, wrote, November 1, 1862, that "the President is not only a monarch, but that he is an absolute, irresponsible, uncontrollable government; a perfect military despotism."

A foreign observer, Schleiden, wrote to Charles Sumner: "One of the most interesting features of the present state of things is the unlimited power exercised by the Government. Mr. Lincoln is, in that respect, the equal, if not the superior, of Louis Napoleon. The difference consists only in the fact that the President rests his authority on the unanimous consent of the people of the loyal States, the Emperor on his on the army." (Rhodes's History of the United States, III, p. 442.)

WHY CONGRESS YIELDS.

The fact was (and probably always will be in time of war) that while the President then was strong with the Congress, he was stronger still with the people, and that Congress, while balking at the grant of the wide and "arbitrary" powers asked for, knew that the people demanded that Congress should back up the people.

Who now recalls that it was prophesied in the Senate that when Abraham Lincoln should go out of office "the whole country, except thieves, public plunderers, officeholders, and the tools of powers, will rejoice"?

Who now recalls that the national-bank act was attacked because it concentrated "the money power" in the hands of the President?

Who now recalls that President Lincoln was charged with either remaining purposely in ignorance or else disregarding the sentiment of the country? Yet Senator Grimes, of Iowa, wrote to Secretary Chase, July 29, 1862 (Salter's Life of James W. Grimes):

"I need not tell you that the expressions of confidence in the management of the President, his prudence, sagacity, etc., are in a measure enforced, and proceed from the confessed necessity of supporting him as the only tangible head of the loyal Government, and not from any real confidence in his wisdom. * * * It is folly to disregard the sentiment of the country in such time as this—it is worse; it is wickedness. Either Mr. Lincoln disregards it or else he willfully keeps himself in ignorance of it."

What most extreme pessimist of to-day could more despair of war conditions than did Grimes in a letter to Senator Fessenden, November 13, 1861?

"The truth is we are going to destruction as fast as imbecility, corruption, and the wheels of time can carry us: * * * the flood of corruption that is sweeping over the land and perverting the moral sense of the people. The Army is in most inextricable confusion and is every day becoming worse and worse."

POWER NOT PERPETUATED.

The following is a brief summary of congressional attacks upon President Lincoln in the Thirty-seventh Congress (1861-1863) for the "arbitrary" powers which he asked from Congress, and which he did not hesitate to exercise when necessity demanded, even without congressional legislation. Those who fear loss of American liberties at the present time may note that in a government by the people Executive power in time of war does not tend to perpetuate itself on the return of peace, for none of the direful prophecies as to the permanent results of Lincoln's acts upon the framework of our liberties were ever realized.

Four statutes gave rise to special condemnation in the Thirty-seventh Congress:

First. The railroad and telegraph act of January 31, 1862, chapter 15 (12 Stat. L. 334), by which the President was authorized to take possession of any or all the telegraph lines and railroads, and to place under military control all their officers, agents, and employees, and under which persons attempting to interfere with their use or to injure their property in places where the laws of the United States were opposed or obstructed by insurgents too powerful to be suppressed by the ordinary course of judicial proceedings, were triable by court-martial. Under this act a military director and superintendent of railroads was appointed February 11, 1862, and 2,600 miles of railroad were operated.

Second. The confiscation act of July 17, 1862, chapter 195 (12 Stat. L. 589), by which penalties were prescribed for treason and giving aid and comfort to any rebellion, and the slaves of persons convicted were freed, and under which property of all persons giving such aid and comfort was to be confiscated.

Third. The conscription act of March 3, 1863, chapter 75 (12 Stat. L. 731).

Fourth. Suspension of the habeas corpus act of March 3, 1863, chapter 81 (12 Stat. L. 755), authorizing the President to suspend the privilege

of the writ of habeas corpus and requiring discharge under certain conditions of all persons held prisoners by order of the President, Secretary of State, or Secretary of War.

In addition to opposition to these legislative measures, bitter attacks were made upon President Lincoln's censorship of the telegraph, censorship of the press, and military arrests.

CENSORSHIP IN 1861.

As early as April, 1861, the Government assumed conclusive control of telegraph lines leading from Washington, at first through the Treasury Department, later through the War Department, and finally through the State Department. By his order of July 8, 1861, the Secretary of War forbade any dispatches relative to the operations of the Army not permitted by the commanding general. By his order of October 22, 1861, the Secretary of State prescribed that all telegraphic dispatches from Washington "which relate to the civil or military operations of the Government, excepting Associated Press dispatches, should be prohibited. (See House Rept. No. 64, Mar. 20, 1862, 37th Cong., 2d sess.) By his order of February 25, 1862, the Secretary of War forbade all newspaper editors and publishers to publish any intelligence received by telegraph or otherwise respecting military operations, unless expressly authorized by the War Department or commanding generals. The newspapers were also dealt with under the fifty-seventh article of war, which was directed against "holding correspondence with, or giving intelligence to, the enemy, either directly or indirectly."

The acts of President Lincoln which occasioned the most bitter onslaughts were the arrests made under his authority, on orders from the Secretary of State and the Secretary of War, and the refusal of the military guards of prisoners so arrested to recognize writs of habeas corpus. Arrests of this nature were deemed necessary by the President at the outset of the war, and were continued until by Executive order of February 14, 1862, issued in the name of the Secretary of War, all political or State prisoners then held in military custody were ordered to be released on subscribing to a parole to render no aid or comfort to the enemy, and it was provided that "extraordinary arrests will hereafter be made under the direction of the military authorities alone." On September 24, 1862 (two days after his Emancipation Proclamation), President Lincoln, without any congressional authorization, issued a proclamation suspending the writ of habeas corpus in respect to all persons arrested by any military authority, and providing for trial by court-martial of all persons "discouraging volunteer enlistments, resisting military drafts or guilty of any disloyal practice, affording aid and comfort to rebels against the authority of the United States."

LIMBERING UP THE GUNS.

The attacks upon the President began as soon as the Thirty-seventh Congress convened in extra session on July 4, 1861. Senate resolution No. 1 was introduced to ratify various acts of the President since the outset of the war—one of these acts being his authorization, April 27, 1861, of the commanding general to suspend the writ of habeas corpus "at any point or in the vicinity of any military line" between Philadelphia and Washington.

Senator Kennedy, of Maryland, July 10, termed it "an exercise of arbitrary power."

Senator Polk, of Missouri, said:

"This plea of necessity is the tyrant's plea the world over, and has been in all ages the tyrant's plea for the prostration of civil liberty."

Although the actions of the President in calling out troops and increasing the size of the Regular Army, and enforcing blockades, were vigorously criticized, Congress finally confirmed them in a short statute—the act of August 6, 1861, c. 63 (12 Stat. L., 326), legalizing and making valid all the acts, proclamations, and orders of the President after March 4, 1861, "respecting the Army and Navy of the United States, or calling out or relating to the militia or volunteers from the States."

At the second session of the Thirty-seventh Congress a resolution was introduced December 16, 1861, by Senator Trumbull, of Illinois, calling upon the Secretary of State for information as to persons arrested. Senator Trumbull said: "The despot creeps upon the people unaware * * * under the plea of necessity."

Senator Grimes, of Iowa, said, January 14, 1862: "When, for the first time in six months, I attempted to approach the footstool of the power enthroned at the other end of the Avenue, I was told that the President was engaged."

In debates on the confiscation bill, which became the act of July 17, 1862, Senator Saulsbury, of Delaware, said:

"Under the pretense of suppressing a causeless rebellion, the executive and legislative departments of this Government are, in my opinion, daily engaged in the grossest violations of the fundamental law. * * * Authors and abettors of my country's ruin."

IRRESPONSIBLE DESPOT."

Senator Wade, of Ohio, said:

"I could never justify it to the people I represent that I had sat silent while I heard it ring in my ears from morning till night that the President of the United States was by some mysterious power invested with despotic authority to trample upon the rights of the people and the rights of Congress, and that there was no barrier betwixt him and utter despotism the moment you declare war. I ask of Senators who preach this miserable, slavish doctrine where they got it."

Senator Wade also spoke of the "slavish doctrine, which is unworthy the American Senate—that the President of the United States, the moment we are involved in a war, is a despotic magistrate and is subject to no control from any quarter. * * * This attempt to magnify the President into an irresponsible despot, with power to prescribe rules and regulations by which the estates, real or personal, of men can be forfeited."

Senator Trumbull denounced the "assumption of unlimited power by the President" in appointing military governors.

At the same session Senator Powell of Kentucky introduced a resolution, April 24, 1862, asking for information from the State Department as to arrests of Kentucky citizens, speaking of them as having "languished for months in northern bastiles."

"I but simply ask that the tyrant," he said, "that the usurper who thus overthrows the Constitution and laws and violates the personal rights and takes away the liberties of citizens without law, without warrant, shall give us their names."

At the third session of the Thirty-seventh Congress (after President Lincoln had issued his proclamation of September 24, 1862, authorizing arrest by the military, and his emancipation proclamation of September 22, 1862) various bills were introduced providing for release of State prisoners, for indemnification of the President and of persons acting by his orders, and for specific authority to the President in the future to

suspend the writ of habeas corpus. These bills gave rise to heated and sometimes savage debate.

At the outset of the session Senator Saulsbury, of Delaware, introduced a resolution calling on the Secretary of War for information as to the arrest of certain Delaware citizens. Senator Bayard said in debate: "We are living under just as despotic a Government as existed in France in the time of Louis XIV," and he charged the President with "gross oppression." The President's order to the Secretary of War, he said, was "nothing more than the establishment of a dictatorship in this country."

Senator Trumbull spoke of the "exercise of an arbitrary and unnecessary power."

CABINET OF A TYRANT."

Senator Powell said that "secrecy might well become the cabinet of a tyrant, but it ill becomes the cabinet of a free, constitutional government." And he continued:

"The Senator from Maine says all this is done under the war power. * * * He resorts again to that old plea of tyrants, necessity. * * * [The President] has exercised usurped power and violated the Constitution of the country, which he has sworn to support."

Senator Saulsbury, in an elaborate speech on habeas corpus on January 8, 1863, aid:

"Even the great wisdom of the framers of the Constitution could not foresee that it was possible that a man might be placed in the presidential chair in less than 80 years from the adoption of the Constitution who should so play the tyrant as to arrest peaceable citizens in States not refusing submission to the General Government and bastile them during his pleasure 'in the remotest part of the Union.' Sir, had our fathers known that such acts of intolerable oppression could be practiced in the name of liberty and would be submitted to by the people, I verily believe they never would have formed the Federal Union."

"The patient and long-suffering people of this country have tamely submitted to this exercise of despotic power."

Later he said, January 27, 1863:

"Thus has it been with Mr. Lincoln—a weak and imbecile man; the weakest man that I ever knew in a high place, for I have seen him and conversed with him; and I say here, in my place in the Senate of the United States, that I never did see or converse with so weak and imbecile a man as Abraham Lincoln, President of the United States. * * *

"[This bill] proposes to legalize the most despotic exercise of power that was ever practiced in any Government since the institution of human society. Talk not to me about *lettres de cachet*; talk not to me about the espionage of Napoleon; talk not to me about any of the arbitrary exercises of despotic power in this country * * * they are all buried beneath the wave of oblivion in comparison to what this man of yesterday, this Abraham Lincoln, that neither you nor I ever heard of four years ago, has chosen to exercise. * * * If I wanted to paint a despot, a man perfectly regardless of every constitutional right of the people, whose sworn servant, not ruler, he is, I would paint the hideous form of Abraham Lincoln. If that be treason!"

LINCOLN AS CONJURER.

Senator Davis said that the President was "trying to conjure up out of a thing so insignificant and evanescent as military necessity, of which I have not been able to find a single word in any book, a power as gigantic and quite as atrocious as the rebellion itself * * * myrmidons of the palace and war offices * * * expenses of all their nefarious service. Under the orders of Mr. Lincoln and his Secretary of War this lawless organization has boldly and contemptuously trampled under foot the writ of habeas corpus and the laws and the Constitution both of States and of the United States."

Senator Bayard said that the habeas corpus bill, which became the act of March 3, 1863 (c. 81, 12 Stat. 735), was "a sheer lawless despotism and no more, a despotism unequalled in the annals of the world, unless you go to the King of Dahomey for an example." * * *

Senator Powell reechoed this, saying: "You propose to clothe the President with a power that will make him as absolute a despot as the Czar of Russia ever was."

Senator Wail, of New Jersey, said March 2, 1863: "I look upon this bill as fraught in its consequences with more terrible mischief to the best interests of this country than any of the dangerous projects that have sprung, like Minerva, but without her wisdom, full armed from the busy brain of the chairman of the Military Committee. * * * This bill clothes the President of the United States, with the aid of the conscription bill passed on Sunday morning, with the panoply of the vast powers and functions of a dictator. The dictator, who in the hour of a nation's peril came forth from the Roman Senate with absolute will over the life, liberty, and property of the Roman citizen, never had any more power than this bill confers upon the President of the United States."

PLEA FOR IMPEACHMENT.

Senator Powell stated that Lincoln should be impeached, and made the following prophecy that the country would rejoice when his term of office ended: "Why, sir, these gentlemen go on as if they were absolute monarchs for ever. Is it not true that the power of these men is of very brief duration? In two years and two days more Abraham Lincoln will go out of office; and I have no doubt the whole country, except thieves, public plunderers, officeholders, and the tools of power, will rejoice when the day shall arrive. * * * Why, sir, for one-tenth of the infractions of the constitution of the British Empire that Abraham Lincoln and those who are at the head of the departments of this Government have inflicted upon this Constitution of ours, one British King lost his head and another was sent a wanderer and an exile from his home and his throne."

In the House the most extreme attack upon Lincoln was made by Congressman Voorhees, of Indiana, February 18, 1863. He spoke of the President's proclamation of September 24, 1862, as to martial law, as "the unblushing assumption of power which has ceased to respect or fear the Constitution or laws. * * * It throws aside all disguise, tears off its veil, and displays the horrible features of despotism to American citizens. * * * The nineteenth century and the land of much-vaunted freedom have produced a President and Cabinet who, in a species of delirium, have defied, spurned, and sought to crush and humiliate the legal decisions of centuries made in behalf of personal liberty and personal independence. * * *

"In defiance of all law, in contempt of the judiciary, in derision of the teachings of history, and in scorn and mockery of the holy principles of personal liberty, the writ of habeas corpus stands suspended. The will of the Executive has for more than a year been the sole law of the land to which the outraged citizen has been permitted to appeal. * * *

On the militia law (S. 493) Senator Richardson, of Illinois, said February 4, 1863:

"No bill has ever been introduced into Congress of such fearful import as the one now under consideration. It confers upon the President of the United States power to make all rules and regulations for the enrollment of the militia. * * * This bill proposes * * * to confer upon the President of the United States more power than belongs to any despot in Europe or anywhere else. * * *

The conscription bill (which became the act of Mar. 3, 1861) was also the subject of violent attack because of the arbitrary powers which it placed in the hands of the President.

TO ENSLAVE THE NATION.

Senator Saulsbury said February 28, 1863: "I regard this measure as the crowning act which gives to the Executive of this Nation the power to enslave the entire body of the citizens of this land. * * * The bleeding, mangled body of the Constitution of your country lies in your pathway. * * * Surrender no other liberty or right which the American citizen has to the absolute will of any man."

Senator Kennedy, of Maryland, said: "I regret that I stand in the midst of the ruins of the Republic. * * * As to the bill itself, I look upon it as odious and despotic. It goes further to subjugate the people of a free country than any I have ever read of in history or known in the present day."

Congressman Biddle, of Pennsylvania, February 23, 1863, said that the conscription bill was "part of a series of measures which, to my mind, seem materially to alter the structure of the Government under which we live."

Congressman Cox, of Ohio, said:

"Never in the history of this or any other government has such a stupendous power been reposed in one man as the power reposed by this bill in the President of the United States. It makes this Government * * * an irresponsible despotism, worse than that of France and more tyrannical than that of Russia. You have already given to this administration the purse; you now throw the sword into the scale, and nothing is left to the people but abject submission or resistance. * * * For my part, sir, I do not trust the present Chief Magistrate."

The reference to the "purse" and the "sword" recalls the fact that the act establishing the national banking system (act of Feb. 25, 1863; 12 Stats. L. 665) at this same session of Congress, was subjected to frequent attack because of its centralization of power in the Executive.

BANKING AND WAR.

Senator Powell, of Kentucky, on February 10, 1863, said of the bank act: "It is a grand scheme of consolidation; one that, in my judgment, will become dangerous to the public liberties."

Senator Collamer, of Vermont, on February 11, 1863, said that the bill was not a war measure:

"I have observed that almost everything that is asked for * * * is put upon that ground; it is either a military necessity or a political necessity, or you can not keep the Union together without it, or something of that kind, by which we are appealed to to let our conscience and our discernment go and obey the dictates pressed upon us. If it has come to this, that it is to be more than intimated that we are not to consult our understandings, not to indulge ourselves in reasoning about a matter, but we are to be told ex cathedra by the organ of the administration that the Cabinet desires and are all in favor of a certain thing as an argument to induce us to cave into, it seems to me that implies a degree of subserviency that can hardly be expected."

Senator Davis said, February 11, 1863, "Against such a union of the power of the purse and the sword I will enter my protest, at least. I think it is the most dangerous scheme of policy that was ever introduced into any deliberative assembly."

Congressman Steele, of New York, in the House February 23, 1863, also attacked the centralizing of power, and said that by the national bank act "the whole currency of the country is to be placed in the hands of the Executive department, * * * a mammoth institution, with its thousands of tributaries scattered over the whole country, all under the control of the Executive department."

WHITE HOUSE SENTINELS.

As an example of the extremes to which Senators were willing to go, it may be noted that Senator Richardson, of Illinois, February 28, 1863, attacked the employment of sentinels around the White House and War Department, saying:

"These emblems of regal power, placed there to familiarize our people with them, filled me with sorrow and sadness. For the first time in our history these things have occurred. Washington had no sentinel while President. Adams had none, Jefferson none. * * * The ruins of this Republic will be scattered along the highway of nations where lie the ruins of all the republics that have gone before us."

LINCOLN OR JEFF DAVIS?

And Senator Davis said, on the same day, "Such have been the infractions of the Constitution and the oppressive abuses and the usurpations of power, both by the President and his party in Congress, that a large majority of the Union people of America are at a loss to determine which threatens the greatest evil, the administration of Jeff Davis or Abraham Lincoln."

Senator Nesmith, of Oregon, spoke, February 4, 1862, of "the imbecility and inefficiency of the head of this Government."

While sustaining attacks of this nature, President Lincoln was confronted on the other hand with a certain degree of criticism from some of his own supporters, who expressed their belief that our President, so far from being a "despot," had not been vigorous enough in his treatment of the war, of the enemy, and of those who were giving aid and comfort to the enemy. To point the moral in this direction, Senator Doolittle, of Wisconsin, May 2, 1862, narrated the following striking anecdote of Andrew Jackson:

"I have been told upon authority upon which I rely that during the last days of Gen. Jackson at the hermitage, as he was slowly sinking under the ravages of consumption—that mysterious disease which, while it wastes the body, leaves, if possible, the mind more clear and more near to inspiration—he had a most remarkable conversation with his family physician and friend. While lying upon his bed one day and speaking of his past administration, he inquired: 'What act of my administration, in your opinion, will posterity condemn with the greatest severity?'

"The physician replied that he was unable to answer; it might be the removal of the deposits. 'Oh, no,' said the general.

"Then, it may be the specie circular."

"Not at all."

"What is it, then?"

"I can tell you," said he, rising in his bed, his eye kindling up. "I can tell you: posterity will condemn me more because I was persuaded not to try and hang John C. Calhoun as a traitor than for any other act of my life."

As early as the debate on July 11, 1861, Senator Lane, of Indiana, stated that the Government had shown "great forbearance."

Senator Wilson, of Massachusetts, December 16, 1861, thus defended the arrests of persons who were holding "secret conclaves" and "peace meetings" after the Union defeat at Bull Run, "giving aid and comfort" to the enemy:

"In Northern cities and villages newspaper presses were publishing treason, proclaiming treasonable purpose, encouraging the rebellion. The Government thought it was necessary, and it laid its hands on the conductors of these presses. * * *

"The President of the United States, through his head clerk, the Secretary of State, had these persons arrested; and, sir, the turning of the doors of Fort Lafayette and Fort Warren upon their hinges silenced the innumerable traitors in the loyal States of the Union. They are silent to-day, but they are silent through fear. * * *

"There has been quite too much * * * kindness of heart in this war, quite too much charity, and it is time that sterner and more determined action should be had both in the civil and military power of the country."

And in the debate on the House bill (H. R. 362) to discharge State prisoners, Wilson again said, July 16, 1862, that the Government had acted with more humanity than any Government had ever done, "too leniently."

ARRESTS NECESSARY.

Senator Doolittle, of Wisconsin, said, December 8, 1862, that the Government "has been too lenient toward men who have been notoriously engaged, in sympathy and in act, too, with the traitors against the Government; and the complaint has been, not because suspected persons have been arrested, but because the guilty have not been shot or hung; that the prison door has been opened too easily to many of these men."

Senator Field, of New Jersey, said the suspension of the writ in Maryland absolutely saved the State to the Union and that the Government had erred, if at all, on the side of leniency.

Earnest defense of the President's alleged "arbitrary" acts was made on the ground that in time of urgent necessity individual rights must sometimes be sacrificed to preserve the country.

Senator Nesmith, of Oregon, said: "I am not ignorant of the sacredness of personal liberty; but I think this Government, this Constitution, this Union, are paramount to all other considerations, and I think their preservation is far above the personal liberty of any single individual or any 50 individuals."

Senator Morrill, of Vermont, said, December 11, 1862: "The President is charged as a violator of the Constitution and the laws—a usurper.

"It is the right and bounden duty of the President to put his hands upon whoever sympathizes or whoever gives aid or comfort to the rebels."

Senator Fessenden, of Maine, said, December 11, 1862, that it was the duty of the President to sacrifice individual rights to due process and liberty for a time if necessary to preserve the Constitution itself. And that, though the President may have exceeded his powers or made mistakes, there has been no case in which he had acted wantonly or to wreak private malice.

MORAL TREASON.

Senator Dixon, of Connecticut, December 16, 1861, in upholding the President's arrests, said that if he, the President, had not pursued this course he would have been guilty of "moral treason." He referred to the arrest of various Connecticut citizens who had been holding "falsely called 'peace meetings,'" and continued:

"It is enough for me to know that the public safety demands extraordinary powers, vested in and exercised by the Executive; and I shall not embarrass his bold and patriotic actions by any nicely balanced scruples or subtle distinctions. * * * In my judgment he has erred, if at all, on the side of lenity and indulgence."

Senator Wilson, of Massachusetts, February 21, 1863, speaking of men whom he described as "tainted with the leprosy of moral treason," said that "the denunciations of the President as tyrant and usurper * * * raise cheers of triumph around rebel camp fires."

Senator Browning, of Illinois, said December 16, 1862, that war should be made on the enemy and not on the Executive:

"If he [the President] becomes, as he is charged with having become, a usurper; if he becomes a tyrant; if he uses this constitutional power as a mere pretext for oppression, his judgment is not an ultimate one. When the appropriate time comes we can investigate his conduct and punish his derelictions; but this is not the appropriate time. Let us now concentrate our efforts against the rebels; let us fight them; let it not go to the country that we have ceased to make war upon them and have turned our batteries upon a coordinate department of the Government. When we do that we become the aiders and abettors of treason and we give aid and comfort to rebellion everywhere."

The futility and unfairness of criticism upon the President in time of war was most eloquently set forth in a striking and little-known speech by Representative Riddle, of Ohio, in the House February 28, 1863, a part of which is as follows:

"How easy it is to abuse, traduce, and denounce! Sir, the Executive is the arm of the people under our Constitution, and with it only can we deal a blow upon the rebellion. * * * Whoever strengthens this arm strengthens the national cause; whoever weakens it strengthens the enemy. For the time being the other branches of the Government might well be in abeyance, that all our energies might go to swell the mighty muscles of that arm. To save all, all must be risked. You can not separate the Executive from the personnel of the President; and whatever detracts from him personally weakens the Executive force, as whatever elevates him gives it added strength. So that whatever shakes the confidence of the people, or any of them, in the capacity or integrity of the President by just so much aids the rebellion, as that which strengthens confidence in him gives vigor to the national cause."

THE NEED OF FAITH.

And Riddle pointed out the necessity of faith by the people in the man, Lincoln, in the following remarkable depiction:

"He may not have in excess that ecstatic fire that makes poets and prophets and madmen; he may not possess much of what we call heroic blood that drives men to stake priceless destinies on desperate ventures and lose them; he may not, in an eminent degree, possess that indefin-

able something that schoolboys call genius, that enables its possessor through new and unheard-of combinations to grasp at wonderful results and that usually ends in failure; or if he possesses any or all of these qualities they are abashed and subdued in the presence of a danger that dwarfs giants and teaches prudence to temerity. He is an unimpassioned, cool, shrewd, sagacious, far-seeing man, with a capacity to form his own judgments and a will to execute them; and he possesses an integrity pure and simple as the white rays of light that play about the throne."

Finally there may be cited as intensely pertinent to the impatient mood of the country to-day the following remarks of Senator Grimes, February 17, 1863, as to his view of the requisite power and the corresponding responsibility of the President of the United States in time of war:

"I am aware that this bill confers extraordinary powers upon the President. It grants no power, however, that I am not anxious to bestow upon him. I wish to confer upon him ample means to restore the Union and to defend the national honor abroad, and I will hold him and his immediate constitutional advisers responsible for the manner in which that power shall be exercised."

On the same patriotic lines were Senator Sherman's remarks in the Senate on February 5, 1863, when he said:

"We do no good to our cause, no good to our country, by a constant crimination of the President, by arraigning him here, as I have heard him arraigned, as a tyrant and an imbecile. * * * If we allow his authority to be subdued and overrun, we destroy the authority of the Government of the United States."

PRINTING OF NEWSPAPER ARTICLES, ETC., IN THE RECORD.

Mr. SWANSON. Mr. President—

Mr. WADSWORTH. Mr. President, will the Senator from Virginia yield to me for a moment?

Mr. SWANSON. I yield to the Senator from New York.

Mr. WADSWORTH. In connection with the introduction of matter of the sort presented by the Senator from Colorado [Mr. THOMAS] for insertion in the RECORD, I, and I think a good many other Senators, were informed, some time ago to be sure, that an agreement of some sort had been reached to prevent the crowding of the CONGRESSIONAL RECORD with matter not having anything to do with the proceedings of the Senate and not forming a part of the remarks of any Senator. In accordance with my understanding of that agreement, which has been repeated to me on many occasions, and upon which I have consulted other Senators, I have from time to time informed constituents of mine that it was impossible to obtain the printing in the RECORD of matter which they had sent to me—newspaper articles, magazine articles, and resolutions adopted by societies and organizations of which they are members. It seems that that understanding, which certainly existed here, has been abandoned and thrown to the winds. A Senator may rise now and introduce into the RECORD an entire page from a Sunday newspaper.

Mr. THOMAS. Not quite.

Mr. WADSWORTH. If it had been an entire page, Mr. President, I imagine there would have been no more objection than there has been upon this occasion.

I do not want to throw monkey wrenches into the cylinder or be classed as an objector, even a conscientious objector on a matter of this sort, but I think, Mr. President, this practice should cease. Extraneous matter takes up a tremendous space in the RECORD; it is seldom, if ever, read by Senators. I venture to say that not more than a dozen Senators will read the matter inserted in the RECORD at the request of the Senator from Colorado. They are too busy to read that kind of stuff, important though it may be in an academic sense. In the future I hope that those who guide the Senate in a sense with respect to the CONGRESSIONAL RECORD and its contents will insist upon the agreement which was reached early in this session and prevent the introduction of such matter into the RECORD.

Mr. THOMAS. May I ask the Senator before he takes his seat when the agreement to which he refers was made? I have no recollection of an agreement, and I certainly do not want to be put in the attitude of even seemingly transgressing an agreement of the Senate upon any subject.

Mr. SMOOT. Mr. President, if the Senator will yield to me—

Mr. SMITH of Georgia. It was an agreement made by the chairman of the committee, the Senator from Arizona [Mr. SMITH]—

Mr. SMOOT. No.

Mr. SMITH of Georgia. Not with Members of the Senate but with members of his committee, I think.

Mr. THOMAS. The Senator from Arizona served notice upon the Senate that he would be in his seat to object to everything of this sort. He has not been very diligent in his attendance since then, because he is suffering from ill health.

Mr. SMOOT. Mr. President, I will say that the Committee on Printing of the Senate and also the Committee on Printing of the other House have held meetings a number of times in regard to this question. It comes up sporadically every month or so, and everything is excluded from the RECORD in the shape

of newspaper and magazine articles. Then the agitation generally dies down, and one article slips into the RECORD one day without notice, the next day another one follows, and so forth. I should like to see the Senate on some occasion express themselves as to whether they want newspaper or magazine articles to appear in the RECORD. If the Senate will express themselves as opposed to that practice, then I assure the Senate that there will be no more newspaper articles go into the RECORD while I am in the Chamber, and that is generally from the time the Senate convenes until it adjourns.

Mr. THOMAS. I should like to ask the Senator if he means by that that he would prevent his associates from reading articles into the RECORD?

Mr. SMOOT. I could not do that; but I think that the Senate would correct that sooner or later. I do not believe that there are many Senators who will undertake to do that many times. I do know, however, Mr. President, that this practice ought to be stopped. The paper bill of the Government in 1916 was \$917,000, while for 1917 it was nearly \$5,000,000; and, Mr. President, at a later day, I hope within a very few days, I am going to call the attention of the Senate and of the country to how and where this extra paper has been used.

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

Mr. SWANSON. I must insist on the consideration of the conference report on the housing bill.

Mr. BORAH. Will the Senator yield for just a moment?

Mr. SWANSON. I will yield for a few minutes more.

Mr. BORAH. I merely wanted to ask the Senator a question: that is all. Do I understand the Senator to say that the paper bill was nine hundred and some odd thousand dollars in 1916?

Mr. SMOOT. The paper purchased for the Government of the United States in 1916 cost \$917,000, whereas for 1917 it cost nearly \$5,000,000.

Mr. SMITH of Georgia. Mr. President, the Senator does not mean that that is by reason of the increase in the size of the RECORD?

Mr. SMOOT. No; I do not mean that.

Mr. SMITH of Georgia. Or because of publications made at the instance of Senators?

Mr. SMOOT. I did not so intimate.

Mr. SMITH of Georgia. I know the Senator did not mean to do so, and yet in this connection I think the statement ought to be made lest a false impression might go out to the country.

Mr. SMOOT. I thought my statement that followed what I said in regard to the paper bill, namely, that I intended in a very few days to show how that increase had been occasioned.

THE LIBERTY MOTOR.

Mr. BRANDEGEE. Mr. President, I have here a letter from Mr. Leon Cammen, who is a member of the American Institute of Electrical Engineers, of the Aeronautical Society of America, of the New York Academy of Sciences, and of the Society of Automotive Engineers. I do not know the gentleman, but he writes me the letter. It is a criticism or a disquisition with relation to the Liberty motor. I will not take the time of the Senate to ask to have the letter read, but I should like to have it printed in the RECORD, and I should like to have it printed in brevier type, so that it can be more easily read.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

29 WEST THIRTY-NINTH STREET,
New York, May 12, 1918.

Hon. FRANK B. BRANDEGEE, of Connecticut,
United States Senate, Washington, D. C.

DEAR SENATOR BRANDEGEE: There has appeared to-day in all newspapers a statement made before the Senate with respect to the Liberty motor in the Bristol plane, of great significance as throwing a vivid light on the entire subject of this unfortunate adventure in engineering design.

It is stated that the motor overheats; to a layman this means next to nothing; to an engineer it tells a big story, and raises questions pregnant with importance.

These questions are:

(1) Does this overheating indicate a basic defectiveness of design, or can it be corrected by some expedient?

(2) Why was it not discovered on the testing stand long before the motor was put into the Bristol machine, and was it not due to improper methods of testing the motor?

I shall try and answer these questions in their order. First, the overheating indicates that the design of the motor as it

stands is incorrect. The following calculation will prove it (I venture to submit it so that you might have your own engineers pass upon it):

Nearly half a century ago the great physicists, Dr. Joule and Lord Kelvin, have shown that a certain number of heat units has to be consumed in an engine in order that the engine should produce a certain amount of power. Thus, to produce one horsepower (1 hr.) output the engine has to consume roughly 42.5 B. t. u. (British thermal units) per minute.

If we had an engine working at 100 per cent efficiency, without any losses, we could produce a horsepower output on 42.5 of heat, and then would have no need for any radiators. Unfortunately, we can not yet do it, and about the best that a large high-speed gasoline engine can do in a long run is to work on about 20 per cent efficiency; that is, to employ usefully only 20 per cent of the heat developed in the cylinders, and lose the rest in various ways. This means that in order to produce a mechanical output of 1 horsepower the engine, if of good design and in perfect condition, develops in the cylinders not 42.5 British thermal units, but five times as much, or say 212.5 British thermal units. Of this amount 42.5 units are usefully converted into power, and the rest is lost in various ways, such as internal frictions, exhaust, to cooling water, and so forth.

The cooling-water loss is what interests us now, since, after all, the radiator has to dissipate the heat lost from the cylinders to the cooling water. In a well-designed high-speed engine the loss to the cooling water should not exceed 30 per cent (all these figures are based on reliable tests by independent engineers of the highest standing), and 30 per cent of 212.5 British thermal units means 63.65 British thermal units.

Sixty-three and sixty-five one-hundredths British thermal units per horsepower per minute is the amount which a properly designed engine should lose to the cooling water, and this is the amount which the radiator has to take care of. This is also the amount for which the radiator in the original Bristol machine was designed. Now, let us see what happens in a machine not properly designed. It does not take much to throw out this calculation.

Assume that the motor works at 16 per cent, instead of 20, efficiency. Then to develop 1 horsepower 265 British thermal units of heat have to be produced in the cylinders of the engine. Assume further that instead of a loss of 30 per cent 35 per cent are lost to the cooling water, as is the case with some aeroplanes and a good many automobile motors on the market. This means that 92.75 British thermal units will be lost to the cooling water per horsepower minute, and that it will be this amount that the radiator has to dissipate.

Now, please compare the amount of needful radiation (per horsepower minute):

In good engines, 63.65 British thermal units.

In inferior engines, 92.75 British thermal units.

Whether the figures given for the second case apply to the Liberty engine in toto, I do not know, as "Liberty engine" is a very generic term which applies to nearly every engine that the Signal Corps is experimenting with, and covers about as many types as there are sins in the calendar. But these figures do explain why the radiation is not sufficient, because it was designed for an engine more efficient and better designed than the Liberty motor which was tried with it. And this is the big lesson.

But you may ask, in nontechnical language, is it such a very serious thing. Why not put on the plane a bigger radiator? It can, and may, be done, but with very disastrous results from a military point of view.

In the first place, employment of a bigger radiator (in this case, about 50 per cent) changes the distribution of weight in the plane, and hence requires an entire change in the design of the plane, and it is very likely that if this were done it would be found that the power delivered by the engine is insufficient. Besides, such a basic change of the Bristol plane would require many months of work and experimentation, and in the meantime, what?

Next, a radiator 50 per cent bigger than the present one would at a speed of 90 miles per hour increase the power consumption roughly by more than 75 per cent. I have not had time to make the exact computation, but you will find the proper formula in my paper before the Society of Automobile Engineers, December, 1915, Bulletin.

Second question: Why was not the fact that the Liberty motor needs more radiation than the Bristol plane can give discovered long before the engine was put into the plane?

This is a fact which could have been very easily established in any decent laboratory, with such equipment as any gas engi-

neer ought to know how to use. In fact, tests of this nature are being carried out as day's work by automobile, and especially tractor, engineers all over the country.

Why was it not done in this case? Because the standard test adopted for aeroplane engines by the Society of Automotive Engineers, and presumably used by the Government engineers (the Society of Automotive Engineers repeatedly advertised its collaboration with the Government in the working out of their standards), is designed so as to make the discovery of this particular fact impossible.

The Society of Automotive Engineers standard test for aeroplane engines permits to make cooling water adjustments in the course of the test; that is, to test the engine under conditions very materially different from those in actual flight when, of course, no such adjustments are possible.

That a test in which "adjustments" of this kind are permitted will lead to grief in actual flights ought to be clear to any unprejudiced person. It is unfortunate for our fighting prospects that in the production of aircraft engineering methods are permitted which would not be tolerated in the manufacture of milk bottles. (This comparison with milk bottles is used advisedly, as a cold fact, and not as a rhetoric form of speech.)

May I add that as an engineer I am deeply sorry that the entire matter of the Liberty motor and plane production is being handled as a political question of veracity between various individuals instead of as a matter of technical records and tests. This can be done very easily, and the whole matter disposed of in not more than three days.

Respectfully,

L. C. CANNON.

HOUSING OF GOVERNMENT EMPLOYEES—CONFERENCE REPORT.

MR. SWANSON. I move that the Senate proceed to the consideration of the conference report on House bill 10265, known as the housing bill.

MR. LODGE. Let it be read, and let us see what it is about.

MR. SWANSON. It was printed a week ago.

MR. LODGE. I ask that the report be read.

THE VICE PRESIDENT. The Secretary will read the report. The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 9, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Amend title of bill to read as follows: "An act to authorize the President to provide housing for war needs"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment, after the word "dwelling" insert the following: "or place of abode"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by

said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 3, line 2, of the bill, after the word "thirty-three," insert the following: "except the Maltby Building"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Provided, That before any sale is consummated the same must be authorized by Congress"; and the Senate agree to the same.

CLAUDE A. SWANSON,
JAS. A. REED,
CHARLES CURTIS,
Managers on the part of the Senate.

FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.

THE VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On May 10, 1918:

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war; and

S. 4208. An act authorizing postage rates on aeroplane mail.

On May 11, 1918:

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States."

ORDER OF BUSINESS.

MR. ASHURST. Mr. President, I do not know whether I am in order or not, but I wish to ask the indulgence of the Senate for an hour this morning to take up the calendar. A large number of Senators have bills on the calendar that they wish to have brought before the Senate and passed.

THE VICE PRESIDENT. The Chair has been trying to close the morning business. The Chair does not know just what is the matter. For two or three weeks it seems to have been impossible to close the morning business.

MR. MYERS. Mr. President, understanding that the morning business is about to close, if not formally declared closed, I renew my request for unanimous consent to consider immediately Senate bill 933. It is to enable a school district in Sanders County, Mont., to build a schoolhouse on a block of public land in the town of Dixon. The people there are very anxious to build it this summer. The bill passed the Senate at the last Congress, but did not get through the House. The bill is favorably recommended by the Secretary of the Interior and by the Senate Committee on Public Lands.

MR. ASHURST. Mr. President, I do not want to object, but that is the very vice of the thing. Senators rise and ask

unanimous consent here and over there, and that prevents the calendar from being called.

MR. WEEKS. Mr. President, it is impossible to hear what is being said.

MR. MYERS. The calendar will not be called. There is no way of having it called.

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

CONVICT-MADE GOODS.

H. R. 8938, an act to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes, was read twice by its title and referred to the Committee on Education and Labor.

MR. OVERMAN. Mr. President, in the House that bill was referred to the Judiciary Committee. I therefore move that it be referred to the Committee on the Judiciary of the Senate unless the Senator objects.

MR. SMITH of Georgia. I am not very particular, Mr. President. I should like to read it before the reference is determined upon, and I will agree with the Senator from North Carolina as to which committee it ought to go to. I should give attention to it in either committee. It is not necessary to decide the matter at once.

MR. OVERMAN. I ask that it go over.

MR. SMITH of Georgia. And have the assignment made to-morrow? That is perfectly satisfactory to me.

THE VICE PRESIDENT. It is perfectly easy to make a motion to refer the bill to some committee. The Chair has referred it to the Committee on Education and Labor.

MR. SMITH of Georgia. Then, Mr. President, I will confer with the Senator from North Carolina; and if we agree that the bill ought to go to the Committee on the Judiciary, I will move to reconsider the reference.

THE VICE PRESIDENT. It is perfectly easy to send it there.

ORDER OF BUSINESS.

MR. SHEPPARD. Mr. President, a parliamentary inquiry.

THE VICE PRESIDENT. The Senator from Texas will state it.

MR. SHEPPARD. I wish to ask what action was taken on the request for unanimous consent made by the Senator from Montana?

THE VICE PRESIDENT. It has not been preferred since the closing of the morning business.

SCHOOL LANDS IN SANDERS COUNTY, MONT.

MR. MYERS. Mr. President, I renew my request.

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

MR. SMITH of Georgia. What is the request?

MR. GALLINGER. What is before the Senate, Mr. President?

THE VICE PRESIDENT. The request of the Senator from Montana to take up a bill, the title of which will be stated by the Secretary.

THE SECRETARY. A bill (S. 933) to authorize the Secretary of the Interior to issue patent for certain land to school district numbered 9, of Sanders County, Mont.

MR. GALLINGER. Let it be read.

THE VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Interior, upon proper application, to issue patent to school district No. 9, of Sanders County, Mont., for block 8, designated as "Public reserve," upon the approved plat of the town site of Dixon, Mont., provided that title to the land so granted shall revert to the United States if the said school district attempts to alienate or use the land for other than school purposes.

MR. GALLINGER. Mr. President, I will ask the Senator from Montana why this municipality, whatever municipality it may be, does not purchase a site for a schoolhouse?

MR. MYERS. Mr. President, the town is not incorporated. It is only a village. The town site is on public land, embraced in the Flathead reclamation project. The town site was laid out on public land in accordance with the law which provided for certain town sites being laid out on the Flathead reclamation project. In every town site on the project a block was reserved by law for public purposes, and it was intended for whatever purpose the community might desire to put it to; but the Secretary of the Interior holds that it can not be put to the particular purpose of building a school upon it unless

Congress so directs. There is no other purpose to which this particular block could be put. The town is not a county seat and does not need a courthouse, but does need a good school building. Practically all the vacant land of the town site is owned by the Government. There is no opportunity to purchase. The real intent was to put aside one block in every town site for a courthouse, schoolhouse, or whatever use of a public nature the people of the community might indicate, and they need a schoolhouse there very badly. This building site is the only one available.

Mr. GALLINGER. Is there a provision of the statute that certain lands shall be appropriated for that purpose?

Mr. MYERS. Oh, yes. The general statute set aside one block in each town site for whatever public purpose the people might prefer.

Mr. GALLINGER. The thing that has been troubling me is this: I am not going to be factious about anything that our western friends want, but I am pretty rapidly coming to the conclusion that about the only relief we will get will be to turn over the public lands to the States and let them do with them what they please. We are picking them away day by day, favoring certain States and not others, and giving away the public lands. But this is a small matter, and if it will tend to educate the people of that community I certainly shall not object to it.

Mr. FALL. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. FALL. I think it is proper to state to the Senator, in order that he may understand just what this is, that there is general town-site law applicable to all the public land in all of the public-land States in the entire United States.

Mr. GALLINGER. Yes.

Mr. FALL. They are all in exactly the same condition. The law provides for town sites which may be taken up on the public domain. This is an effort to get from under the general provisions of the law with reference to a certain town site in a certain district in the State of Montana.

Mr. GALLINGER. I thought likely something of that kind was at the bottom of it.

Mr. FALL. The suggestion that the Senator made, of course, strikes very favorably those of us who are compelled, in the public-land States, to labor under the difficulties of attempting to make general legislation applicable to a particular condition. If the lands were turned over to the States under restrictive legislation that Congress might see fit to pass, the local people, understanding those conditions, would understand how to administer the law.

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

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 4185. In order that Senators may understand what it is, I will state that this is the bill recommended by Secretary Lane to authorize a small appropriation to the Bureau of Education to cooperate with the States in an effort now being made to teach English everywhere and to remove illiteracy. The appropriation for the first year is only \$100,000, and \$50,000 for the next two years.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

Mr. ASHURST. I wish to be heard. I happen to be a member of the committee that reported this bill, and I wish to pay my tribute of respect and admiration to the Senator from Georgia, the chairman of the committee. I think it is a very worthy bill and it ought to pass; but this only emphasizes, I repeat, the vice of the situation in respect to the calendar. The esteemed Senator on my right [Mr. MYERS] has a bill, and it is passed by unanimous consent, and he loses interest in promoting the calling of the calendar.

Mr. MYERS. Oh, Mr. President, I have not lost interest—

Mr. ASHURST. I do not yield. The esteemed Senator from Georgia [Mr. SMITH] has a bill which ought to pass. He gets unanimous consent and that is passed, and he loses his interest in promoting the calling of the calendar. Another Senator has a bill and it is passed by unanimous consent, with the same result; and those of us who never ask unanimous consent do not get an opportunity to have our bills considered. If I may be pardoned for a personal reference, I never have asked unanimous consent but once, and I am sorry that I asked that, since I have been a Member of the Senate.

The way we ought to do is, when the hour of 1 o'clock arrives, or when the morning business is closed, to call the calendar. While I shall not object to the consideration of the bill for which the Senator from Georgia asks unanimous consent, I do think the practice is a bad one. Let us finish the morning business and then call the calendar.

Mr. MYERS. Mr. President, I beg to say that I have not lost my interest in calling the calendar. I have on the calendar a large number of other bills which are very important to the State of Montana, and I should like to have the calendar called. If I had thought the calendar would be called soon, I would not have made the request that I made this morning. However, I have no faith in the calendar being called. I do not expect it to be called soon, and think probably no more this session. I have been making earnest efforts to have it called, but without success.

Mr. GALLINGER. Mr. President, I rise to a point of order. The motion is not debatable.

The VICE PRESIDENT. It is not debatable until the morning business is closed, or until the hour of 1 o'clock has arrived.

Mr. SMITH of Georgia. If the Senator from New Hampshire will allow me to make a statement, by unanimous consent we have already discussed this bill. I think we are through with the discussion of it. I want to say to the Senator from New Hampshire that I am going to take off one more year and leave it until 1920, so that it will be running through the immediate war period; and I hope he, too, will support it now.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia that the Senate proceed to the consideration of Senate bill 4185, the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

On a division the motion was lost.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

REGISTRATION FOR MILITARY SERVICE—CONFERENCE REPORT.

Mr. CHAMBERLAIN. I present a conference report on the disagreeing votes of the two Houses upon Senate joint resolution 124, and I ask for its immediate consideration.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 5, 6, and 7, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert: "and all male persons." Also amend the title by striking out the word "or" in line 2 and insert in lieu thereof: "and all male persons"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House and insert the following: "Provided, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917"; and the House agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

S. HUBERT DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

Mr. GALLINGER. Has the report been printed?

Mr. CHAMBERLAIN. I will state that Senate joint resolution 124 passed the Senate and went to the House, and the House amended it by striking out that portion of the joint resolution which exempted from the draft medical students and divinity students. It went into conference, and we agreed in conference, but when it went back to the House they disagreed to the report and asked for another conference, which we have had, and this is a full agreement.

Mr. GALLINGER. Does the report still strike out medical students?

Mr. CHAMBERLAIN. It leaves in divinity students and medical students who have now matriculated and strikes out the provision which exempted from registration and draft those who might enter these schools during the war.

Mr. JOHNSON of California. Mr. President, I do not wish at all to delay the adoption of the conference report, but I think, in view of the situation that confronts some of the States, particularly the State of California, a few observations upon the mode of levying the next quota in the draft may not be inappropriate.

What I wish particularly to call to the attention of the Senate and to the attention of the country is what I think is the inequitable mode that has now been determined upon embraced in this conference report, and which has received the sanction of the President, the Secretary of War, and the Provost Marshal General.

It is very strenuously insisted in the State of California and in many other States that in making up the quota for the next draft credit should be allowed for all the enlistments that have been made in our State, and indeed in all the States. The Senate will recall and our people will remember, of course, that when the draft went into operation contemporaneously with it the Government asked for voluntary enlistment. I remember at that time the posters in this city during the time when we were administering the draft:

Be a went,
Not a sent.

I remember, too, the appeals that were made all over the land to volunteer and enlist, and in response to what I assume was the Government's own direction our people in California and in many other States in the Union volunteered in very, very large numbers.

When the invitation was thus extended by the Nation and when the Government itself thus asked for voluntary enlistments, it would not be unjust, I am sure, in making up the next quota of the draft that those voluntary enlistments should be accorded to the States and the States be given credit for them.

Last night I had very pointedly presented again to me this situation. I read once Hornung's "Raffles," and I was very much interested and entertained, and when I saw last night advertised at the Strand Theater that somebody was going to present "Raffles" I wandered over there. In the course of that film entertainment there was an appeal thrown upon the screen, and that appeal was substantially in this language:

"Enlist in the Naval Reserve."

"Enlist and if you are within the draft age due credit will be given."

I do not state with exactness the appeal, but I state it substantially.

It was an appeal to our people to enlist even if within the draft age. For the men enlisted the credit presumably is to be given to the particular locality. Now, when the Government thus appeals, when it asks and begs States for these voluntary enlistments, when the particular locality responds, and responds overwhelmingly, it is not entirely just, it seems to me, to put the entire quota of the draft upon those who have thus responded to the Government exactly the same as that quota in the draft is charged to those who have not responded to the Government.

That you may understand the disparity in figures I read the percentages of class 1, which will be required in various States if credit be given unto the States that have had many voluntary enlistments. You Senators who are from different States, I think, will with very great profit and interest follow the tables which have been provided by the Provost Marshal General.

Mr. LODGE. These are the percentages that would exist if credits were given?

Mr. JOHNSON of California. Exactly, sir. Here are the States, and here are the percentages which would be required if credit were given:

Louisiana—

Mr. POMERIENE. From what does the Senator read?

Mr. JOHNSON of California. I am reading from the CONGRESSIONAL RECORD, page 6287, which contains the official tables

given to Chairman DENT, of the House, by Provost Marshal Gen. Crowder:

Percentages of class 1 to be levied on the States.

Louisiana	76
South Dakota	70
Mississippi	68
Arkansas	67
Alabama	65
Wyoming	65
Wisconsin	63
Florida	61
Georgia	61
South Carolina	60
North Carolina	60
Kentucky	57
Missouri	56
West Virginia	55
Virginia	54
Tennessee	53
Oklahoma	53
Michigan	51
Kansas	50
Minnesota	50
Iowa	48
North Dakota	47
New Mexico	44
Maryland	43
Montana	40
Nebraska	40
New Hampshire	39
Ohio	37
Texas	37
Illinois	35
Idaho	35
Delaware	34
Indiana	33
Oregon	33
District of Columbia	27
New Jersey	26
Vermont	24
Pennsylvania	21
Colorado	19
New York	16
Arizona	12
Massachusetts	10
Maine	8
Connecticut	4
Utah	4
Washington	3
California	0
Nevada	0
Rhode Island	0

It has been suggested to me that I explain again what these figures mean. They mean this, that if, in the draft that is about to be levied, credit were given for enlistments that have been asked by the Government and enlistments by the various States in the Army of the United States in response to the Government's appeals, then these percentages would be taken of the class 1 men in the various States. The question simply is this, Ought States to be credited with the men who have gone to the war? That in the last analysis is simply the problem and the question that I present to you.

We insist in our State, where there has been a rush of enlistments in response to the invitation and the appeal and the request of the Federal Government, where we have done our full duty in that regard, that those enlistments should be credited to our State, and that we should not be required now to add a number which will make us wholly disproportionate in the number of men that we furnish in this war, as compared with States where there have been little or no voluntary enlistments.

Mr. VARDAMAN. May I ask the Senator if he has the facts at hand showing what percentage of soldiers in the States volunteered and what percentage were drafted?

Mr. JOHNSON of California. I have not the particular percentages, but I will say to the Senator that the tables from which I read are very full tables, and are found on pages 6286 and 6287 of the CONGRESSIONAL RECORD. I have not attempted to read all those tables.

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

Mr. JOHNSON of California. Certainly.

Mr. FALL. As throwing some light on the question he has discussed, I find from the official figures published in the New York Times of March 30, the date of the end of the volunteer-enlistment period, the quota of voluntary enlistments in the State of California was 4,774 and the enlistments of the State of California were 17,017.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. JOHNSON of California. Certainly.

Mr. CHAMBERLAIN. In order that the Senate may not be confused as to the proposition which the Senator from California is discussing so ably, and with much of which I am disposed to agree, I desire to say that the resolution the Senator is discussing is not the one now before the Senate and is not the one involved in this report. The Senator is discussing the provisions of Senate joint resolution 123, which passed the

House after passing the Senate, and which will become a law as soon as the President signs it.

This conference report, I desire to have the Senate understand, has nothing to do with the particular proposition the Senator from California is now discussing.

Mr. JOHNSON of California. Mr. President, as I stated in the beginning, I do not desire at all to suggest a delay of the conference report or opposition to it; and I would not suggest, indeed, an endeavor to overturn—although I think it ought to be overturned—the rule that has been announced and the decision of the President and the Secretary of War and Provost Marshal Gen. Crowder. Nevertheless, I wanted to make plain the injustice that was done in various States, including the State of California, and thus present the subject matter to the Senate, and I took this as an appropriate time and an appropriate method in which to present it in this fashion.

If the Government continues to make its calls as it has made in the past, "if it continues to make its appeals as it has made these appeals in the past," if States which are enthusiastic respond to the call and appeal as some of these States have done, and then there is no recognition of that enthusiasm and response but quite a contrary view taken by the department, it seems that it will penalize enthusiasm and militate more or less against voluntary enlistments in the future. There ought to be one course or the other. If you require, for instance, so many men from a particular locality, and those men are produced by that locality, that ought to be the end of it; either one mode or the other should control. If the draft alone is to control, this should be made plain. If the Government, however, begs for volunteers, appeals for enlistments, and adopts the volunteer system in conjunction with the draft, as it has done, then full credit should be given for the numbers received from both draft and voluntary enlistments.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a minute? There is much of justice in the contention of the Senator, and yet this condition might prevail: California and the West generally volunteered most generously at the first call. Assuming that the California volunteers were between 18 and 21 and over 30 there would be the whole quota made up of men between 18 and 21 and men above 30. It might be that every man between 21 and 30 would be exempt from the draft under the rule the Senator contends for in the next call, while in other States they would have to go into the service. Your volunteering, it is true, was most patriotic, yet under the rule the Senator contends for, under the next draft, all of draft age between 21 and 30 might be entirely exempt.

Mr. JOHNSON of California. I concede the argument that has just been suggested by the Senator from Oregon is extremely persuasive. At first, when it was suggested to me, I thought possibly it ought to be conclusive, but upon mature reflection I reached the opinion, first, that you take from the man power, after all, and when you have taken from the man power that which you ask in numbers it ought to be amply sufficient and credit given therefor; and, secondly, the answer is found in appeals such as that thrown upon the screen here, and which I have no doubt was but a replica of similar appeals all over the country, asking men within the draft age to enlist and to volunteer in the Naval Reserve. In the system that has been adopted you penalize enthusiastic States, and you are penalizing localities that have responded at once and furnished their men by both voluntary enlistment and the draft. You have penalized them by saying, "You volunteered in answer to our fervid appeal, but we are not going to consider you as a part of your State's contingent at all." I call the inequitable condition to the attention of the Senate and to the fact—settled now, I presume, by the President, the Secretary of War, and Gen. Crowder—that to those States which have most readily and enthusiastically responded to the country's call a great injustice is done.

Mr. TOWNSEND. Mr. President, I have felt very much in accord with what the Senator from California has stated. I have never been able to understand the cause for excluding credit, inasmuch as those credits were largely used as a basis for obtaining enlistment at the beginning.

In this connection I desire to insert in the Record, because it is pertinent and bears on the very point to which the Senator from California has referred, a statement showing the quota that was accorded to each of the States in the Regular Army and the number of enlistments. From this can be readily determined by deducting from the total enlistments and drafts from the States how many actually were drafted and how many enlisted. I ask that this may be incorporated in the Record.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there objection? The Chair hears none.

The statement referred to is as follows:

[From the New York Times.]

WASHINGTON, March 30.

The year of intensive recruiting for the Regular Army by voluntary enlistment ended with the close of business at the recruiting offices to-day. Figures of to-day's enlistments will not be available until Monday, but the showing up to the close of business on Friday night brings the total enlisted strength of the Regular Army to more than 500,000.

The recruiting campaign was begun shortly before the United States entered the war. Recruiting was begun in earnest on April 1, five days before the declaration of war and one day prior to President Wilson's appearance before Congress to deliver the address which resulted in that declaration. The Regular Army then consisted of 121,797 enlisted men, and in order to bring it to full war strength it was necessary to obtain 183,898 additional soldiers for all branches of the service.

So successful have been the efforts of the recruiting officers that they have more than doubled the number of recruits which they started out to get. Including the figures of Friday's enlistments, the number of recruits obtained since April 1 was 398,105. This figure, added to the enlisted strength on April 1, gives a total of 519,902, but this must be reduced by about 18,000 due to deaths, expiration of enlistments, etc.

Since the United States entered the war the President has received authority to organize new units and to enlist men for them within his discretion. This authority has lifted the lid off the prior fixed limit, and recruiting officers are accepting recruits physically and otherwise fit without regard to any set total of strength.

When the recruiting campaign was begun on April 1 each State and the District of Columbia was allotted a certain quota of enlistments based on population and prior enlistments. Only eight States have failed to complete their quotas. Six of them are in the South. Vermont is the only Northern State to fail, lacking 74 to fill its allotment of 710 up to yesterday. Wisconsin is the only Western State that has not filled its quota. It was allotted 4,666, and is still shy 332.

The other States which have failed to fill the allotted quotas are Arkansas, allotted 3,148, lacks 738; Louisiana, allotted 3,312, lacks 73; Mississippi, allotted 3,634, lacks 1,933; North Carolina, allotted 4,412, lacks 1,469; South Carolina, allotted 3,030, lacks 1,345; and Virginia, allotted 4,122, lacks 1,288.

Some of the States have far exceeded their allotments. Pennsylvania, with an allotment of 15,330, has furnished 45,266. New York, with an allotment of 18,226, has furnished 43,438. Illinois has furnished 28,336 on a quota of 11,276. Texas is numerically the banner Southern State, with 11,931 recruits on an allotment of 7,792, unless Missouri is classed with the South and gets credit for its showing of 6,534 allotted and 15,214 obtained.

The result of the Regular Army recruiting in other States that went far beyond the number of recruits allotted is shown in the following table:

State.	Quota.	Enlistments.
California	4,754	17,015
Connecticut	2,223	4,946
District of Columbia	682	1,465
Florida	1,504	3,315
Georgia	5,218	7,672
Idaho	650	2,505
Indiana	5,400	18,254
Iowa	4,400	12,103
Massachusetts	6,732	19,127
Michigan	5,620	17,739
Minnesota	4,150	9,567
Montana	752	5,912
Nebraska	2,854	8,188
Nevada	162	1,537
New Jersey	5,074	10,023
Ohio	9,534	19,767
Oregon	1,344	6,599
Utah	746	4,180
Wyoming	290	1,316

On April 1 the total strength of all the Army was as follows: Regular Army—Officers, 5,791; enlisted men, 121,797. National Guard in Federal service—Officers, 3,733; enlisted men, 76,713. Regular Army Reserve—Officers, 2,573 (including members of Officers' Reserve Corps not of regular service); enlisted men, 4,000. Total officers, 12,097; enlisted men, 202,510; grand total, 214,607.

The approximate strength of the Army of the United States, as shown by figures prepared in the office of The Adjutant General, on March 26 was as follows:

	Officers.	Enlisted men.
Regular Army	11,003	501,218
National Guard	15,438	410,632
Reserve Corps	101,288	78,250
National Army		515,984
Total	127,712	1,501,084

Officers of the National Army are included in those listed as Reserve Corps officers.

Mr. LODGE. Mr. President, the extract which the Senator from Michigan presented was from a newspaper, but I have in my hand from the department the quotas of each State in the Regular Army, and the very last returns of enlistments up to April 30. I think it is a little more explanatory than the percentages which were given in the RECORD. I think if Senators will take the trouble to examine those returns, which I ask to have printed, first, the quota and then the volunteer en-

listments in the Regular Army, they will understand the system perfectly.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Massachusetts? The Chair hears none, and the request is granted.

The matter referred to is as follows:

War Department. The Adjutant General's Office, Washington.

Daily statement of recruiting for Regular Army.

State.	Regular Army war quota.	Forwarded to depot Apr. 30, 1918.	Previously forwarded since Apr. 1, 1917.	Total to include Apr. 30, 1918.
Alabama	4,273	6	4,433	4,444
Arizona ¹	403	4	650	654
Arkansas	2,143	11	2,563	2,574
California ¹	4,754	19	17,865	17,884
Colorado ¹	1,593	23	4,468	4,491
Connecticut ¹	228	13	1,189	5,202
Delaware ¹	404	1	831	832
District of Columbia ¹	662	2	1,518	1,520
Florida ¹	1,504	10	3,423	3,433
Georgia ¹	5,218	14	7,897	7,911
Idaho ¹	680	4	2,658	2,663
Illinois ¹	11,273	46	29,374	29,423
Indiana ¹	5,403	14	18,830	18,884
Iowa ¹	4,443	23	12,800	12,873
Kansas ¹	3,333	12	6,518	6,540
Kentucky ¹	4,573	38	6,414	6,452
Louisiana	3,312	15	3,373	3,383
Maine	1,483	9	2,614	2,623
Maryland ¹	2,591	13	4,103	4,181
Massachusetts ¹	6,732	42	19,662	19,704
Michigan ¹	5,620	41	18,511	18,552
Minnesota ¹	4,150	35	10,347	10,383
Mississippi	3,591	8	1,730	1,783
Missouri ¹	6,585	103	16,199	16,302
Montana ¹	752	6	6,118	6,121
Nebraska ¹	2,581	76	8,543	8,625
Nevada ¹	162	1	1,613	1,614
New Hampshire	890	26	1,404	1,430
New Jersey ¹	5,074	36	10,544	10,580
New Mexico	654	3	856	859
New York ¹	18,223	125	46,139	46,264
North Carolina	4,412	8	3,155	3,163
North Dakota	1,154	22	2,111	2,133
Ohio ¹	9,534	82	20,722	20,804
Oklahoma ¹	3,314	17	7,222	7,239
Oregon ¹	1,344	10	6,741	6,751
Pennsylvania ¹	15,330	99	47,051	47,150
Rhode Island ¹	1,084	5	2,550	2,555
South Carolina	3,030	1	1,733	1,734
South Dakota ¹	1,166	16	2,946	2,962
Tennessee	4,368	30	6,187	6,217
Texas ¹	7,792	23	12,408	12,431
Utah ¹	745	19	4,440	4,459
Vermont	710	—	668	668
Virginia	4,122	5	2,918	2,924
Washington ¹	2,282	3	8,663	8,666
West Virginia ¹	2,442	13	3,837	3,850
Wisconsin	4,666	19	4,629	4,648
Wyoming ¹	290	8	1,409	1,417

¹ Quota secured.

Mr. PHELAN. Mr. President, I gather from the discussion that there is an inequality in the contribution of man power among the States, and that under the resolution which has been adopted some States are required to contribute more than others. I sympathize entirely with the reflections of my colleague, and I should like to ask the chairman of the Military Affairs Committee to advise the Senate more specifically what is the justification of the recommendation of the Military Affairs Committee to the Senate to enact the law by which there is such a manifest inequality. I should like, Mr. President, the attention of the chairman of the committee.

Mr. CHAMBERLAIN. I was trying to give the Senator my attention but was interrupted by others.

Mr. PHELAN. I said that I sympathize with the reflections made by my colleague, and it seems to me a gross injustice that there should be required a greater contribution of man power proportionately from some States than from others. I should like to know why the Military Affairs Committee advised the Senate to pass such an enactment where such an injustice may be wrought. I did not understand the Senator when he addressed the Senate to answer, nor did it appear to me that he wholly answered the contention of my colleague [Mr. JOHNSON].

Mr. CHAMBERLAIN. Mr. President, I did not go into a full discussion of the subject that had been so ably presented by the Senator from California [Mr. JOHNSON], because, as I said a while ago, the bill that the Senator was discussing had already passed the Senate and the House of Representatives, and it only awaits the signature of the President to become a law. The conference report which is now before the Senate has not the question that is now being discussed involved in it at all.

The Senator from California asks me why the Military Affairs Committee suggested the enactment of such a law, which, as he claims, is so unjust. I will simply say, in reply to that, that the bill came to our committee from and with the approval of the War Department. I am now referring to the bill which has passed Congress and not to the one involved in the conference report. The position which the President took on the measure in the first instance, when it was before the House of Representatives, was the same as that which is now being insisted upon by the Senators from California. Later, and I think properly, the President receded from that position, and took the position which is embodied in the bill as it finally passed. If the Senator from California will look at the last Official Bulletin, he will find the last letter of the President on the bill in question.

Mr. President, I am not willing to concede the injustice of the proposition involved in the bill as to the quotas of the States. While I agree with the Senator from California that it does work a hardship in some instances, it is not because the principle is unjust. I think that the Senate will bear me out that I was one of the few men in the Senate who always opposed anything like a volunteer law, simply because the duties of citizenship devolve upon every man a duty to his country. My position always has been, Mr. President, that because a man is protected in life, in limb, and in property, a reciprocal obligation demands that whenever the country's call comes he must render service to it. If the insistence which some of us made here when the draft law was under discussion had been adopted, and if, instead of having any volunteer system whatsoever, we had made it incumbent upon everybody within certain ages and in certain classes to serve, we would not have this question of injustice, or apparent injustice, now.

The result now is, under the operation of a volunteer system and the draft law, that we have young men between 18 and 21 years of age, and men with families whose patriotic hearts were reached by the appeal for service to their country between 31 and 45 years of age, who have gone into the National Guard and later been drafted into the Regular Army and who are now fighting the battles of their country, when I claim that those men ought not to have and would not have been called upon under the draft law. Men from 31 years and upward with families ought not to have been permitted to enlist, but all between certain ages ought to have been placed upon exactly the same plane of equality and all ought to have been compelled, on the basis of population or some other proper and uniform basis, to have been called upon to serve their country.

Now, we will take California—than which there is no more patriotic State in the Union, unless it be Oregon; and I believe California did beat us with reference to its volunteering—and under the rule the Senator now invokes there would be no more men called from California. In that State men went into the Army even under 18 years of age, with the consent of their parents, and I doubt not if the records were examined it would be found that the same thing occurred in the case of the young men of Oregon and of Nevada, both of which States stood near the top of the list for volunteers.

Mr. President, I say that if there was any injustice at all, the injustice existed in allowing men of the ages mentioned to volunteer. As some of us inquired at the time the draft law was enacted, why not wait until the draft law takes effect and then call upon all equally to render military service to the country instead of permitting volunteers?

Under any volunteer system there are bound to be injustices, Mr. President. What would be the result of the rule which the Senator insists upon if it were to be adopted? Many men between 21 and 30 in California and other States where volunteering has been most generous will entirely escape the service. In other words, these men who, but for the patriotism of the volunteers would be compelled to serve, would under the rule insisted upon escape service entirely at the second draft in many or in some of the States of the Union.

Mr. JOHNSON of California. Will the Senator from Oregon yield to me?

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

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. JOHNSON of California. That can not be so, if with the authority of the Government such appeals are made as I last night saw at the Strand Theater. You can see there thrown upon the screen appeals to men within the draft age to enlist. If that sort of appeal—I am very careful, if you observe, conditionally to state it—if that sort of appeal is made with governmental authority, the Senator is in error in what he says.

Mr. WADSWORTH. Will the Senator from Oregon permit me to ask a question of the Senator from California?

Mr. CHAMBERLAIN. I will.

Mr. WADSWORTH. Is the Senator from California sure that the appeal was directed at men of the draft age?

Mr. JOHNSON of California. I am positive of that. I talked with the distinguished Senator from Oregon [Mr. CHAMBERLAIN], who is now upon his feet, very briefly concerning this matter upon one occasion, but the matter had passed with me until last night, when in front of me I saw flashed on the screen an appeal for men of draft age.

Mr. WADSWORTH. Does the Senator from California say that this appeal was flashed upon the screen under the auspices of the Committee on Public Information?

Mr. JOHNSON of California. I will not say; I do not know. I assume, however, that it was done under governmental authority.

Mr. WADSWORTH. Let me observe, Mr. President, with the permission of the Senator from Oregon [Mr. CHAMBERLAIN], that the War Department has long since issued the most specific rule forbidding the voluntary enlistment of men within the draft age. I assume the recollection of the Senator from California is correct. I have every reason to believe it is. It is another instance of the Committee on Information giving mis-information.

Mr. TOWNSEND. I understood the Senator from California to refer to men to be enlisted in the Navy?

Mr. JOHNSON of California. It was the Naval Reserve; that is true.

Mr. WADSWORTH. I was speaking of the Army; I thought the Senator from California meant the Army.

Mr. JOHNSON of California. I mentioned in my remarks specifically the Naval Reserves, enlistment in which was appealed for; and the Senator will find in my remarks that that was what I first spoke of.

Mr. WADSWORTH. Then, I was mistaken. I thought the Senator was speaking of the Army.

Mr. JOHNSON of California. But what is the difference, whether it is for the Naval Reserves or for the Army, if they are asking for men to enter in the Naval Reserves who are within the draft age?

Mr. PHELAN. Mr. President, may I interrupt the Senator from Oregon?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. PHELAN. Mr. President, the Senator from Oregon, when interrupted, was about to enter into a very interesting discussion of a point which is in my mind. Does he say that when we use the words "man power" there is a differentiation between the men of draft age and the men under and over draft age—that is, volunteers?

Mr. CHAMBERLAIN. I think not.

Mr. PHELAN. It is all man power?

Mr. CHAMBERLAIN. It is all man power. But to illustrate what I mean let me give a very simple illustration: We will say that California had to furnish 50 men in the first instance and that 50 men between 18 and 21 volunteered. Now, she has furnished her quota outside of the draft age. We will say that Alabama had to furnish 50 men, and that she furnished only 25 men of all ages. Then comes the second call. Now, when it comes to that call, California we will say, is exempted under the rule that the Senator would invoke, because she has furnished her quota, all, however, between 18 and 21; and, therefore, Mr. President, the men between 21 and 31 in California escape the second call, because the State has already furnished her quota outside of the draft age entirely. Why should her men between 21 and 30 escape the service? They have simply been furnished substitutes by operation of law. Alabama will have to furnish 25 men within the draft age, which is proper, while the men of California within that age escape entirely. As a question between the States that may be just, but as between the individual citizens of the Nation it is unjust.

Mr. PHELAN and Mr. POMERENE addressed the Chair.

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

Mr. CHAMBERLAIN. I yield, first, to the Senator from California.

Mr. PHELAN. There seems to be a disparagement in the mind of the Senator in regard to men who enlist between 18 and 21. Is it not a matter of fact that the battles of the Civil War were won by men between 18 and 21?

Mr. CHAMBERLAIN. Oh, Mr. President, if the Senator had been here while the draft law was being discussed he would have known that the Senator from Oregon insisted morning, noon, and night upon fixing the age of service in this country between 18 and 25. I stated then, and I state now, that the Civil War was fought by young men from 14 to 18. I have no disparaging word to say about the young men; they are the

best soldiers in the world, and I only regret now that the ages for service are not the ages between 18 and 25, instead of between 21 and 31, for the simple reason that whenever you get above 21 you begin to reach the men with families, the men who have conditions at home requiring their presence, and the younger the age is, leaving out the question of sentiment, if you please, the less likely you are to disturb industrial, commercial, and social life.

Mr. POMERENE. Mr. President—

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

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. POMERENE. It seems to me perfectly clear that it must be the policy of the Government to distribute equitably calls for man power. Under the present law, as I understand, we draft some men and we accept volunteers. Why should the Government continue that system when it is their desire equitably to distribute the call for men? Why should we continue a system which will permit of the taking of two men from one locality when it only takes one man from another? It seems to me that, so long as the Government permits that condition to continue, a gross injustice will be committed against certain communities. I do not see how it can be explained; I have seen no explanation that satisfies me.

Mr. CHAMBERLAIN. It is hard to work out a system that will not work injustice in individual cases or injustice in a great many cases, and when the Senator can evolve a system that will avoid the very difficulty of which he now complains, he will have performed a work which will entitle him to a monument at the hands of his countrymen.

Mr. NORRIS. Mr. President—

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. NORRIS. I wish to ask the Senator a question with regard to the figures that he gave when interrupted by the Senator from California. He took California and Alabama, and to illustrate the point said that under the contention made, if California had furnished a sufficient number of men under the volunteer system, it would not be required to furnish any men under the next draft call, wherens if Alabama had not done that Alabama would have to furnish a quota under the draft. Is there any injustice about that? I should like to ask the Senator if that is not, after all, fair?

Mr. CHAMBERLAIN. It is fair to the State, but is it fair as to the individual? Suppose all the men in California who had enlisted were young men, for instance. Is it fair that all the men who are above the age of 21 and between 21 and 31 in California should escape in the next draft?

Mr. NORRIS. I think that is answered by the suggestion of the Senator from Ohio [Mr. POMERENE]. The law provides—it has not been done illegally; it has been done under the law—that men may enlist anywhere between the ages of 18 and 45; they can be drafted only between the ages of 21 and 31. Now, so long as the law is complied with, and California, we will say to illustrate, has furnished a thousand men under the volunteer system, when a thousand men are called for, and Alabama has not furnished any, under the volunteer system, and then you draft a thousand men out of Alabama and none out of California, is not that equitable? Is not that absolutely fair, and is it not legal? Would it be right in that case to say to California, "You have already supplied a thousand men, although they may be young men"—and the Senator says that they make better soldiers or just as good soldiers at least as the older men—would it be right to say to California, "A thousand of your men have enlisted, yet we will give you no credit for those thousand men. We are going to take under the draft just as many from California as though none had volunteered"?

Mr. CHAMBERLAIN. Mr. President, there is merit in the contention of the Senators, and there is very much to be said on both sides of the proposition; there is no question about that; but I do not know how it is going to be remedied without amending the law that has already passed Congress. It can not be done on the pending motion to confirm the conference report upon a measure which does not involve the question at issue.

Mr. POMERENE. Mr. President—

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

Mr. CHAMBERLAIN. I yield.

Mr. POMERENE. If the Senator will permit me, as I understand the Senator from Oregon, he is basing his argument in favor of this system on the fact that it is not just to take a man between 21 and 31 from one State and not take a man of the same age from another State. If the Senator would stop there, I would agree with his logic and agree with what seems to be his feeling of justice and equity; but, if we are going to do equity, would not equity suggest that we surrender the man

between 18 and 21 back to the State and not compel that State to furnish at the same time a man between 21 and 31 and also a man between 18 and 21?

Mr. CHAMBERLAIN. I might say to the Senator now that if he will undertake to formulate a law that will place all the man power of this country on exactly the same footing as to age, I will assist him as best I can to enact such a law, even if it goes to the extent of releasing to the States the young men between 18 and 21, because for the life of me I can not see why we should call upon young men of this age to serve their country under the volunteer system which we had in vogue before the war and make others serve under a conscript system. All should be treated exactly alike.

Mr. POMERENE. Mr. President, I, of course, could not perhaps suggest a measure that would work absolute justice under all the circumstances, but I will undertake to devise a system that will be more just than the one we now have.

Mr. CHAMBERLAIN. Mr. President, it is very much easier to talk about formulating a just system than actually to crystallize one into a statute. The laws that we have, have been worked out after very great pains and great effort upon the part of the War Department, and I think it has been attempted to do exact justice.

The law we have as to age limits is a compromise, as Senators know. The House insisted upon applying the draft between the ages of 21 and 45, and the Senate insisted upon 18 and 25. What we have was a compromise; neither body got what it wanted.

All I have to say, in conclusion, is that, while there is merit in the viewpoint of the Senators from California, in so far as this conference report is concerned, it is entirely aside from the record. The report which is now asked to be confirmed does not bear upon that proposition at all.

Mr. PHELAN. Mr. President, does the Senator say that the bill which provides for this inequality is now in the hands of the President?

Mr. CHAMBERLAIN. Yes, sir; but I do not admit its injustice or inequality.

Mr. PHELAN. Then it would be in order to appeal to the President to withhold his signature?

Mr. CHAMBERLAIN. Absolutely.

Mr. PHELAN. I shall petition him to that effect.

Mr. CHAMBERLAIN. That is all right; but I want to say to the Senator, as I said a while ago, that the view of the President now is different from the view entertained by him when the bill fixing the quotas of the several States first passed the Senate; and if the Senator will remember, the House amended the Senate bill to conform to the wishes of the President, and later receded from that very proposition, basing its recession, as I understand it, upon his second letter of advice.

Mr. PHELAN. I have in my hand here the letter of the President, who is generally a very positive man, and who expresses his convictions in very forcible language, and generally justifies himself, at any rate.

Mr. CHAMBERLAIN. May I ask the Senator what is the date of that letter?

Mr. PHELAN. This is dated May 7th and is addressed to Mr. DENT; and this letter contains no information whatever. He simply says that he has changed his mind because somebody better informed had so advised him—the Secretary of War, I presume, or the Judge Advocate General. I have been in communication with competent authorities, who regard the creation by Gen. Crowder of the draft legislation as of the highest quality and monumental, and yet they disagree with him on this particular matter.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment? I ask him if he will kindly read the first letter of the President, which was read into the Record in the House, in connection with the last one which he has just referred to, where the President, as I recall now, in general terms agreed with the viewpoint of the Senator from California, but later changed his mind, and acting upon his second letter, the House receded from the position which the Senator from California advocates.

Mr. PHELAN. But I do not see why the President should have changed his mind, and I think it is quite fair to him to petition that he reconsider his letter of May 7.

Mr. CHAMBERLAIN. Mr. President, the Senator has said that the President is a very firm and a very positive man. To that I agree. But I can not answer why he changed his mind. That was a matter of his own conscience. I am not the President's conscience keeper. I suggest to the Senator that he himself ask the President why this last letter and why the first, and if the Senator thinks he can get him to change his mind and write a third letter that is for him to decide upon.

Mr. PHELAN. As Emerson says, "Consistency is the hobgoblin of little minds," and his is not a little mind. I feel quite

confident that he will receive such a petition respectfully and give it at least careful consideration.

Mr. CHAMBERLAIN. I have no doubt of that. And I have no doubt but that he will do what he thinks is just and proper.

Subsequently, Mr. PHELAN asked to insert his petition to the President, which is as follows:

MAY 13, 1918.

To the PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: There was a discussion to-day in the Senate on the subject of the bill now in your hands providing for further draft of troops without allowing credit to the several States for volunteers. I am aware that you have expressed yourself upon this subject; first, in your letter addressed to Mr. DENT under date of March 26, where you thought it would be perfectly proper to include such allowances in the new draft law; and again on May 7, when, addressing the same gentleman, you took, doubtless for reasons satisfactory to you, a contrary view. The States of California, Nevada, and Rhode Island, on account of the large number of volunteers, if credits were allowed therefor, would not be called upon at once for more men under the first draft if your first view prevailed; but under the bill now before you for action these States will be called upon to fill up their quotas under the draft as though they had not made their contribution in volunteers. This seems to establish an inequality between the States. While the three States referred to are doubtless willing to make a larger contribution of man power, if necessary, there does not appear to be any necessity. As a result California will be deprived of the services of her men out of proportion to other States necessary for industrial and agricultural employment in what may be called war industries. She is penalized industrially, in other words, because of her excess of patriotism, in so far as the boys rushed to the colors before required by the draft. In the case of California there was a total in class 1 between the ages of 21 and 31 of 58,666 men. The first call brought to the Army 23,060 men and the total number of volunteers to all branches of the service was 68,205. These volunteers ranged in age from 18 to 40. As I understand it, if the war lasts for several years the volunteers under 21 years of age would be required to become eligible for draft, but the men in excess of 31 years of age would still be the extra contribution of California. The discussion in the Senate convinced me, so far as it went, that there are two good reasons why credit should be allowed to States for volunteers: First, in order that there might be a perfect equality as between the States in their contribution of man power; and, secondly, that the States having patriotically contributed volunteers should be allowed to use the men who would now be called to the camps under the proposed law for necessary industrial and agricultural purposes. In other words, the States which have made few contributions in volunteers have an unequal industrial advantage. I take from the official records, page 6286 and page 6287 of the CONGRESSIONAL RECORD, the following statistical data, which by comparison shows the inequality of which I complain. The following States are of about equal size:

State.	Total number in class 1 between 21 and 31.	First Army draft.	Total credits for all branches of service.
California.....	58,666	23,060	68,205
Alabama.....	52,815	13,612	26,933
Louisiana.....	56,781	13,582	23,583
North Carolina.....	55,682	15,974	30,833
Iowa.....	56,938	12,749	38,121
Indiana.....	60,937	17,510	48,083
Minnesota.....	65,084	17,773	48,853

Perhaps the matter has gone too far, and that Congress should have itself to blame for not proceeding with more caution, but if you regard it of sufficient importance, and the bill is returned without your approval, Congress will have an opportunity to consider a modification of the act.

The reason why the draft law is accepted generally by the country is that it stood, before this recent bill, on a basis of perfect equality as between the States as well as among the people.

I am, respectfully yours,

JAMES D. PHELAN.

Mr. LODGE. Mr. President, I think there is a fundamental mistake in the law. We are trying to run two different systems side by side. We are drafting a number of the men, and we are allowing others to volunteer, and constantly swelling the ranks of the Regular Army and making it larger by the volunteers. That inevitably produces the situation that a large majority of the States have not only furnished their quotas to the Regular Army but they have furnished twice and three times and sometimes four and five times their quotas to the Regular Army. They are not all boys between 18 and 20, either. They have furnished them, and, of course, if you give credits the States that have furnished the most men will get the largest credits, and the States that have furnished the fewest men will get the smallest credits, and will be required to bring forward more drafted men—men who would not volunteer. Now, that is the plain English of it.

The reason the Senator from Oregon gives for the bill is that the States should not be allowed to fill the place of a slacker with a young fellow between 18 and 20. I do not think that is the only reason. I see the force of that difficulty, and I have put into the Record just the quotas demanded and against them the men furnished in the several States. I commend those dry figures to the consideration of the Senate, and I think after they have read them they will see several reasons why we landed on "no credits." But, Mr. President, those of us who come

from States which have furnished many times their quotas, as well as the full draft, of course, have the consolation of knowing that if they do not get credit here they get credit elsewhere.

I ask that the little paragraph which I send to the desk be read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NEW ENGLAND HAS 1,108 CASUALTIES.

BOSTON, May 9.

The names of 1,108 New England men have appeared on casualty lists since American forces landed in France a tabulation of reports from the front showed to-day. There were 293 deaths, 789 wounded, 20 missing, and 6 reported as prisoners; 153 were killed in action, 35 died of wounds, 86 of disease, and 19 of other causes.

Of the total, 738 New England casualties were reported since April 15, or during the time American troops were taking an active part in operations against the enemy. A large proportion of the casualties were from distinctly New England units.

Mr. TOWNSEND. Mr. President, our Army to-day is made up of volunteers and conscripts. The more volunteers the fewer conscripts that will be required. Both of these classes of soldiers are provided for and approved by the Government. The draft law as originally passed was understood by Congress to provide for an equitable apportionment among the various States. It was to be apportioned according to population; but, owing to a decision of the Provost Marshal or the Judge Advocate General, the population was not fixed upon the basis of the number of people who lived in the States but according to some other plan which I never have been quite able to understand. I know, however, that it took from Michigan several thousand more soldiers than would have been required from that State if population had been the basis of apportionment.

Michigan is not complaining. Her young men have responded willingly, eagerly, to their country's call. When volunteers were asked for Michigan's quota was something in excess of 5,000, but over 17,800 young men volunteered, a majority of whom were within the draft age. As I understand, it is proposed now that, notwithstanding there has been a large number of volunteers, far beyond the quota apportioned by the Government, yet those sections of the country whose sons were patriotic enough to enlist are not to be given any credit for such enlistments. I insist, Mr. President, that the original notion should be carried out and that those States which did not volunteer ought not to have their sons protected now because of the excessive number of volunteers in other sections of the country. Certain it is that a State should be credited with its volunteers within the conscription age.

The Senator from Oregon calls "slackers" the men in the draft age in California and Michigan and Pennsylvania and New York and Massachusetts and other States who neither enlisted nor were drafted in the first call, and others charge that the advocates of proper credits are speaking at the request of these men. Senators are mistaken. I insist, however, that men of the draft age shall be treated alike in all States and that the patriots of one State shall not be substituted for the "slackers" of another State. Under this new plan the thousands of volunteers from California and Michigan and other States will lessen the number of conscripts from other States which have already benefited by an unjust and unjustifiable apportionment.

There is a glorious disposition in many parts of the country of men to enter the Army in this time of necessity, but I submit that the Federal Government ought not to propose or permit discrimination which encourages slacking in some sections of the United States and fails to reward those other sections whose people spring forward at the call of duty and enlist to preserve our common country in its present supreme hour of peril.

I do not understand the philosophy of Senators. There may be some force in the argument, and I have great respect for the opinion of the Senator from Oregon, than whom no more patriotic, no more earnest, no harder-working Senator exists; but I think the President was right before he changed his mind the last time. I would have liked to have seen, and I would like to see now—if this is not the measure, and another one is still to come on, following it—justice done to every State of the Union. I ask for nothing else. I shall be satisfied with nothing less.

Mr. NELSON. Mr. President, what is this justice that the Senator wants to have done? It is justice to a lot of men who are subject to the draft, and it is to relieve them. God bless the boys who had patriotism enough to volunteer all over the country, no matter where they came from! Why should these stay-at-homes who are subject to the draft bank upon the patriotism of these men, and say: "For God's sake, relieve us

from the burden, because we have had some patriotic boys who enlisted?" I can not see the philosophy of it.

One beauty of the present law, as distinguished from the draft law we had in the days of the Civil War, was that in those days men could hire substitutes; and we who remember those days remember what a speculation there was in substitutes, how they were paid five hundred and a thousand dollars and even fifteen hundred dollars. Rich men got immunity. Now, this is not a speculation of money, but it is speculation upon the patriotism of the men who volunteered and have gone into the Army. These men who stay at home, who are subject to the draft, say: "In order to diminish the pressure and demand upon us, we should have credit for these men who have been patriotic enough to volunteer."

Mr. KING. Mr. President—

Mr. NELSON. I yield to the Senator from Utah.

Mr. KING. I ask for information. Is there anything to indicate whether the volunteers are within the draft age, or above or below the draft age, or what proportion of the volunteers are amenable to the draft?

Mr. NELSON. Most of those who have enlisted since the registration took place are outside of the draft age.

Mr. KING. If they were within the draft age, then, of course, the argument that has been made, as I understand, by the Senator from Oregon, would not be applicable.

Mr. NELSON. I have been much discouraged at the sentiment that has been manifested in some quarters. I get imploring letters from men who say they are 32, 33, or 34 years of age, and they say: "Why, Mr. Nelson, here I have been trying for three months or for six months to get into the Army and I can not." What are those men trying for? Why, for a commission—nothing else. Sometimes I write to some of these men, and say to them: "You can get into the Army the way I got in. Go and volunteer as an enlisted man"; and once in a while I tell these men who come begging for a commission that I will recommend them for privates.

Mr. WILLIAMS. Mr. President—

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

Mr. NELSON. I do.

Mr. WILLIAMS. Does the Senator get any letters now and then from highly patriotic individuals who tell him that, while they are above the draft age, and therefore can not serve their country in war, they would like to serve it in some department in Washington?

Mr. NELSON. Yes; oh, yes. I get any amount of letters of that kind. I have known college men who are so anxious to avoid the fighting line that they will enlist in the Quartermaster Corps and camp out here, with a view of going over to Europe to do God knows what—chop timber, run sawmills, or something else—any way to get out of the fighting line. It is very curious. You get these letters, and they say: "Oh, I am so patriotic! I am anxious to do my bit in this war. I have been pining and yearning for it. I am so anxious to do my bit, and I want you to help me." And when you get to the end of the long letter, they want a commission somewhere.

Mr. WILLIAMS. By the way, generally their letters are preceded by a very high compliment to the Senator, are they not?

Mr. NELSON. Oh, yes; to be sure.

Mr. WILLIAMS. Telling the Senator how they consider that he has always been a leader in the best thought of the day, and so forth.

Mr. NELSON. That goes without saying; but, fortunately, I am in a position that some of you are not. I tell them boldly what I did when I was 18 years of age, and I say to them, "Go, thou, and do likewise."

Mr. WILLIAMS. There is no other resemblance between the Senator and his correspondents.

Mr. NELSON. So, Mr. President, while looking at this question from a narrow standpoint, you may say that the States should have credit for the volunteers; looking at it from a broad, patriotic standpoint, I insist that these men who are subject to the draft and are within the draft age have no business to ask for this credit. They have no business to bank on the patriotism of the men who have seen fit to enlist voluntarily in the Army and the Navy of the United States. For that reason I heartily agree with the Senator from Oregon.

As I said a moment ago, the beauty of this draft law, compared with the old one, is that under the old law they could get substitutes—buy substitutes. Now you want these men to get substitutes in another way—not for money, but by banking on the patriotism of their fellow citizens who have had the gumption and the courage to enlist.

Mr. GALLINGER. Mr. President, I will take just two minutes to call attention to the conference report.

When the bill was before the Senate I submitted an amendment excluding medical students from the operation of the law. It seems that the other House did not agree to that in the first place, but finally consented to a modification of it, and there is an exclusion now so far as students are concerned who have already matriculated. I want to call attention to the fact that while that gives some relief it does not go far enough, and in the near future we shall have to legislate so as to give a further exemption.

The medical profession is being drawn on to a very great extent, and to such an extent that at the present time our hospitals are unable, in some instances, to get internes; and they have made the suggestion that medical students in their last year may be admitted as internes, which is an unusual thing. If we should send as many more soldiers to the field as we have already in service, it will be very necessary, indeed, that we educate a much larger number of young men to the medical profession than we have been doing in the past.

However, the provision in the conference report that those who have already matriculated shall be exempted will be of some assistance. I congratulate the Senate conferees on securing that concession from the other body, and, of course, I shall be content to vote for the conference report as it stands.

Mr. WILLIAMS. Mr. President—

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

The SECRETARY. A bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. CHAMBERLAIN. I ask the Senator from Alabama to allow the unfinished business to be temporarily laid aside in order to complete the consideration of the conference report.

Mr. BANKHEAD. I ask the Senator how long he thinks it will take.

Mr. CHAMBERLAIN. I believe a vote can be reached in a few minutes.

Mr. BANKHEAD. Very well.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Mississippi has the floor.

Mr. WILLIAMS. Mr. President, if I were to express a desire to conserve from my income tax or from any other tax because somebody in my community had donated a million dollars to the United States Government, I do not think anyone would feel very much sympathy with me. When I find a man wants to be relieved from his duty under the selective-draft law to defend his country with his body upon the ground that somebody outside of the draft law has necessarily offered his body I do not think there is any need for any great sympathy, either, from the right-thinking sort of a man.

I do not see any patriotism, I do not see any common sense, in the idea that I, living in a certain community, should be relieved from a common burden of citizenship upon the ground that the Senator from New Hampshire, Mr. GALLINGER, or the Senator from Minnesota, KNUTE NELSON, had done unnecessary service. The supererogation of work whereby men can gain salvation, according to a certain religious faith, would be carried a little bit too far if we carried that into operation. I might count my patriotism, then, by the fact that either one of those two other men had exceeded his duty of patriotism. I can not understand for the life of me why any man should be relieved from his duty by urging the fact that somebody else has done more than his duty.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PARITY OF THE AMERICAN DOLLAR ABOARD.

Mr. OWEN. Will the Senator from Alabama yield to me for just a moment? I want to ask action upon Senate resolution 238, asking for certain information.

Mr. BANKHEAD. I ask the Senator how long he thinks it will take?

Mr. OWEN. If there is any objection to it at all, I will withdraw it.

Mr. BANKHEAD. I will yield, if there is unanimous consent.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the consideration of Senate resolution 238.

Mr. GALLINGER. Let it be read.

Mr. KENYON. Let us understand what it is.

Mr. OWEN. The resolution is one of inquiry in regard to certain national exchange matters. I think no one will have any objection whatever to anything in it. If there is, I will withdraw it.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read and agreed to, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to advise the Senate of the amount severally of commercial and financial bills payable in terms of the currency of the neutral nations of Europe which have been bought and sold severally by the member banks of the Federal Reserve System and other banks and banking houses dealing in foreign exchange in the city of New York from January 1 to April 1, 1918, and the amount of profit in such transactions, and to advise the Senate what steps have been taken to protect the par value of the American dollar in the neutral countries of Europe, and what is the amount of foreign balances held in the United States at this time by such neutral nations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, further insists upon its disagreement to the amendments of the Senate numbered 38 and 90, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYRNS of Tennessee, Mr. EVANS, and Mr. FIELDS managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and it was thereupon signed by the Vice President.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, further insisting upon its disagreement to the amendments of the Senate numbered 38 and 90, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN. I move that the Senate agree to the further conference asked for by the House and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN, Mr. OVERMAN, Mr. UNDERWOOD, Mr. WARREN, and Mr. SMOOT conferees at the further conference on the part of the Senate.

POST OFFICE APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. BANKHEAD. I believe when the pending bill was temporarily laid aside we were considering section 7. We are ready to proceed now with that section.

Mr. HARDWICK. Mr. President, section 7 of the bill which is under consideration by the Senate provides:

That to promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer, and the delivery of articles necessary in the production of such food products to the producers, the Postmaster General is hereby authorized to conduct experiments in the operation of motor-vehicle truck routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and the cost of such experiments, not exceeding \$100,000, may be paid by the Postmaster General out of any unexpended appropriations of the Postal Service, and the Postmaster General shall report the result of such experiments to the Congress at the earliest practicable date.

Let me say in explanation of this section that more than a year ago, after extended and thorough discussion of this subject, the United States Senate adopted substantially if not identically this proposition in the form it now appears. It went to the House and was there favorably reported from the Committee on the Post Office and Post Roads, but the bill was not acted upon in the pressure of business there. However, the House of Representatives has recently passed this same proposition by a unanimous vote, I think, except that instead of appropriating \$100,000 as we suggest here they appropriated \$300,000, and provided a revolving fund.

Mr. President, the Fourth Assistant Postmaster General, within the operation of whose bureau this service comes, has already conducted considerable experiments under the authority of the star-route legislation, enough to convince that official of the Government that that is a very good service and has very great possibilities. I am going to ask the Secretary of the Senate to read his report on this subject to the Senate. Then I shall have a few words more to say and will be ready for the Senate to vote on the proposition.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, May 8, 1918.

HON. THOMAS W. HARDWICK,
United States Senate.

MY DEAR SENATOR HARDWICK: The parcel-post motor-truck service between large postal centers, and to and from producing territory in the vicinity thereof, has been so successful within the limited zone where the attempt to establish such service has been made as to be worthy of particular attention and definite legislative action.

As you are aware, six routes are in operation, as follows: Between Philadelphia and Baltimore, Annapolis and Washington; Baltimore and Solomons Island, Md.; Baltimore and Lancaster, Pa.; Washington and Leonardtown, Md.; Philadelphia and Atlantic City, N. J.; and Washington and Frederick, via Mount Airy, Md.

Thus a connecting route operates between the three large market centers of Philadelphia, Baltimore, and Washington, and feeder routes radiate out of Philadelphia, out of Baltimore, and out of Washington.

On the trunk line, or connecting route, between Washington and Philadelphia the mail transported is so heavy that it was necessary to increase the number of cars out of Philadelphia to West Grove, Pa., and return, and in the immediate future an additional car will have to be utilized.

On this route the total annual receipts at the post office at Kennett Square, Pa., a third-class office, did not exceed \$15,791.03 for 1917, whereas the present income of this office indicates earnings will be considerably over \$22,000 per annum, or a gain of approximately 50 per cent, entirely due to the introduction of motor-truck service between this small village and the market in Philadelphia.

The earnings on the Baltimore-Solomons Island route average nearly \$350 a day, at an expense of not more than \$25 a day, thus indicating earnings of more than \$110,000 a year, or an expense of not to exceed \$7,500 a year, including all direct and indirect expenses incident to the operation of the route. A detailed cost sheet is attached hereto and marked Exhibit A.

It is conceded that a portion of the earnings of this route must be distributed to the incoming and outgoing operations to or beyond the terminus at Baltimore, and to that end 66½ per cent of the postage revenue could be applied, and there remain net earnings of approximately \$35,000 a year, against which the total operating expense would not exceed \$7,500. I have deliberately increased the indirect, or overhead, operating expenses, in order that no possible question could be raised as to the profitable possibilities involved.

There is no rail or water service anywhere in the vicinity of the territory served by this route, consequently it is not only noncompetitive but is a feeder to such railway or boat service as may be established from Baltimore to points where the mailable matter that appears on the route may be destined.

I emphatically assert that there are numerous localities within the United States where identical conditions prevail and where the establishment of transportation facilities from the producers domiciled thereon to the nearest large market center would result in earnings and expenditures in the same proportion as prevail between Baltimore and Solomons Island, Md.

From Fredericksburg, Va., into southeastern Virginia, between the York and James Rivers, is a type of territory of this variety. From Gettysburg to Bedford, Pa., along the Lincoln Highway, no transportation facilities of any kind exist, and this large farming territory could be connected direct with the markets in Pittsburgh and Philadelphia and Baltimore, and eventually produce results similar to those on the Baltimore and Solomons Island route.

Senators and Representatives in Congress are in a position to indicate where at the present time there exist no adequate direct means of contact between producers and consumers or vice versa.

Connecting routes can be established between Portland, Me., and Nashua, N. H.; thence from Nashua to Worcester, Mass.; from Worcester to Hartford, Conn.; from Hartford to New York City; from New York City to Philadelphia; from Philadelphia to Baltimore; from Baltimore to Washington; from Washington to Richmond, Va.; from Richmond to Lynchburg, Va.; from Lynchburg to Raleigh, N. C.; from Raleigh to Columbia, S. C.; from Columbia to Augusta, Ga.; from Augusta to Macon; from Macon to Columbus, Ga.; from Columbus to Montgomery, Ala.; from Montgomery to Jackson, Miss.; from Jackson to Baton Rouge, La.; from Baton Rouge to New Orleans.

Likewise from Baton Rouge to New Orleans, Miss.; from New Grenada to Memphis, Tenn.; from Memphis to Nashville; from Nashville to Louisville, Ky.; from Louisville to Indianapolis, Ind.; from Indianapolis to Chicago, Ill.

In another direction: Between Indianapolis, Ind., and Columbus, Ohio; from Columbus to Zanesville, Ohio; from Zanesville to Wheeling, W. Va.; from Wheeling to Pittsburgh, Pa.; from Pittsburgh to Bedford, Pa.; from Bedford to Gettysburg, Pa.; from Gettysburg to Philadelphia; also from Gettysburg to Baltimore, Md., where the western line would connect with the eastern line, heretofore outlined.

It is also possible to operate from Columbus, Ohio, to Cincinnati, Ohio; from Cincinnati to Louisville, Ky.; from Louisville to Lexington, Tenn.; from Lexington to Chattanooga; from Chattanooga to Atlanta, Ga.; from Atlanta to Columbus, Ga., where, again, a connection is made with the eastern line, operating between Portland, Me., and New Orleans, La.

Naturally it is possible to operate many other connecting links, and from each of the market centers at the end of the connecting links herein mentioned feeder routes, operating into producing territory within 100 miles, could easily be established and would unquestionably transport mailable matter the postage on which would not be less than \$20,000 annually per route.

To provide for the service outlined in the connecting links heretofore mentioned would require approximately 300 motor cars, the pur-

chase price of which would be in the neighborhood of \$750,000 to \$1,000,000 and on which the operating cost would not exceed \$3,000 per annum per car, or approximately \$900,000 a year. At the minimum earnings stated above the 300 motor cars would earn \$6,000,000 a year, and if they earned as much as the cars now operating between Baltimore and Solomons Island they would produce a revenue of about \$33,000,000 a year.

It is not expected, however, that every motor route established would be as profitable as this one, but when mentioning the minimum figures it is worth while also to set forth what is the possible maximum income.

It is agreed when such earnings are apparent that the rates should be reduced. In doing this, however, the rates should not only include the cost of operation as a postal proposition but a certain amount of the net revenues from every route should be set aside for the improvement of the highway over which trucks travel. The net earnings on the Baltimore-Solomons Island route would easily maintain the highway in a splendid condition, and a similar possibility is self-evident in the territory along the coast and east of the Mississippi River, as outlined in the program herein set forth. Every foot of the highway over which this service may be established could, no doubt, be kept in splendid condition from the revenues derived from the operation of the parcel-post motor-truck routes thereon.

Under any and every condition the roads traveled between the terminals herein mentioned should be selected exactly, as the routes now established between Philadelphia and Washington. The cars on this route leave Philadelphia by way of Oxford and the Conowingo crossing of the Susquehanna River, and are consequently from 20 to 25 miles distant from the railroad that travels directly between Philadelphia and Baltimore. From Baltimore to Washington the cars travel via Annapolis and Upper Marlboro, Md., and are, therefore, from 20 to 25 miles distant from the direct rail line between Baltimore and Washington. In similar manner the lines elsewhere should travel through territory not immediately adjacent to rail facilities, and thus the producers domiciled in such territory would be in direct contact with the parcel-post route, and it would be unnecessary for such producers or consumers, located on roads covered by parcel-post motor trucks, to transport their produce many miles to market or to available lines of transportation to market.

I invite particular attention to the numerous handlings necessary to convey produce under any system now in vogue from producer to consumer. While apparently there is little expense involved in such handlings, nevertheless, whether it is 10 per cent or one one-hundredth per cent of the cost of the produce, when multiplied by the millions of different operations necessary in the treatment of produce between the domicile of the producer and the table of the consumer it mounts into staggering sums, and the elimination of any of these operations will eventually affect the cost of delivery from producer to consumer to such an extent as will materially influence the cost of living.

A parcel-post motor truck made an experimental trip from Lancaster, Pa., to New York City, a distance of 182 miles, in 12 hours. The truck was loaded with 30 crates of eggs of 30 dozen each, or 10,800 eggs, 500 pounds of butter, 500 pounds of fresh sausage, 200 pounds of honey, and 4,000 one-day-old chicks. It arrived in New York City with but nine eggs broken and 2 chicks suffocated. But two handlings were involved—one at the domicile of the producer and the other at the warehouse of the addressee—as over against not less than 8 to 12 handlings under any other system of transportation now in existence.

It is not presumed that such a method can be derived in every case, this being the best possible collection and delivery service that could be performed by truck.

I trust that some definite legislative authority for the establishment of the particular service herein outlined may be assured and the purchase and operation of approximately 300 motor cars be provided for in order that a complete demonstration of the meritorious possibilities of this service may be presented to the Congress for further consideration at the earliest possible date.

It is vital to the welfare of the Nation that some direct means of communication between producers and consumers, and vice versa, be established. The patron in the city of Washington to-day pays 43 cents a dozen for eggs that are selling in the open market at York, Pa., not 100 miles from this city, at less than 36 cents a dozen. A motor-truck parcel-post service in operation between the cities will be taken advantage of by consumers when such possible economy is known to them.

Believe me to be,
Sincerely yours,

JAS. L. BLAKSLEE,
Fourth Assistant Postmaster General.

Mr. HARDWICK. I ask that the statement accompanying the letter be printed in the RECORD without being read. I do not care to burden the Senate with details.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

EXHIBIT A.

Statement showing revenue receipts and expenditures on motor vehicle truck star route No. 13283, Baltimore to Solomons, Md.

MAY 9, 1918.

Average daily revenue as of May 4, 1918, based upon 3-cent rate first-class postage	\$334.07
One cent per pound for second and fourth class	
Average daily direct expense as of May 4, 1918: Gasoline, drivers, repairs, garage, includes all actual cost paid	12.45
Average daily indirect expense as of May 4, 1918: Includes depreciation 33½ per cent, interest 4 per cent, supervision, etc	10.09
Total daily expense	22.54
Receipts, 313 days (average)	104,563.91
Annual expenses direct, 313 days	3,795.85
Annual expenses indirect, 313 days	3,158.17
Total expense, 313 days	6,954.02
Net revenue	97,609.89

The receipts on April 1, 1918, amounted to \$518.82.

NOTE.—Considerably higher than the average quoted.

Mr. HARDWICK. Mr. President, I wish to say just a word in support of this proposition, and then I am prepared to take the sense of the Senate upon it.

It seems to me, in times like these, when an already mounting cost of living is lifted still higher by war conditions, we ought to experiment in every practical way to bring the producer in close and direct touch with the consumer, and it seems to me like anything that will accomplish that result ought to be carefully considered and ought to be tried out.

It does appear to me that if the country produce around these great cities could be carried into those cities by the simplest and shortest and most direct process, dispensing with as many middle men and with as many different kinds of processes as are possible, we will have accomplished a great deal toward the relief of the people in the great cities from the high cost of fruit and vegetables and all sorts of country produce, and at the same time we will have accomplished a great deal for the country people in giving them a direct and reasonably cheap method of communicating with the town customers in getting their produce, which might otherwise go to waste and much of which does otherwise go to waste, to a city market that is absolutely in need of it.

The Senator from Utah [Mr. KING], in opposing this matter the other day, voiced some objections that were not without their weight with me. He objected, and objected very strenuously, to putting the Government into so many kinds of business. So do I; and yet we are confronted here by a condition and not by a theory. We know that this produce is raised all around the great cities, where the distress is greatest and the most general and the prices are the highest and the most unendurable. We know that the Government is already engaged at this moment in the transportation business on land and sea, by railroads and by ships. We know that we already have a parcel post which, beginning with a weight limit of 20 pounds in the more distant zones and 50 pounds in the first three zones, has within the past few weeks been raised to 70 pounds in the first three zones and 50 pounds all over the country, so that to-day by parcel post you can send merchandise not exceeding 50 pounds in weight from here to San Francisco if you want, and merchandise not exceeding 70 pounds in weight to any place not more than 150 miles distant from Washington.

I can not for the life of me see the difference between that proposition and this. This is nothing in the world but a country express service. If we are to transport merchandise on the trains to the people in the towns and from one town to another up to the weight limit of 70 pounds for the first 150 miles and 50 pounds for the entire country, what possible objection can there be on principle from doing exactly the same thing with motor trucks in the rural sections of the country, especially when great practical work is to be accomplished thereby and when the people of the great cities may have their cost of living reduced by the effort?

At any rate, Mr. President, we thought it was worth while, and the Post Office Department thought it was worth while, to ask the Senate to let the Post Office Department experiment with this matter. The Senate agreed more than a year ago that it would do it. The experiment has been delayed except so far as it could be conducted under the provisions of the law relating to star-route service, but the experiments directly authorized by Congress have been delayed because the proposition has not passed both Houses in one and the same bill.

I said just now this proposition had not only passed the Senate but it passed the House of Representatives only a few weeks ago as one of the sections of the Madden bill relating to increase of salary of employees of the Post Office Department, except that the House appropriated a sum three times as great as the Senate committee has recommended and, besides that, made a revolving fund out of all the funds which would come in from the operation of this service. We did not think a revolving fund was best and did not care particularly about how great the amount was. So we have reported it in the form in which it passed the Senate and for the same amount we put in when the Senate passed it before.

On principle, I can see no reason why this should not be done. The parcel post in connection with the rural route has not been the success we hoped for. The figures show that on each rural route, taking all the rural routes in the United States and averaging them up, there is only one parcel-post package a day. The result of too much parcel-post business is to slow the mails too much, and besides the expedition of the mail on rural routes has a tendency to discourage the slowness that is necessary to operate a freight express. So we concluded that it was wise and best and most practical to some extent to separate this service in the rural sections and endeavor to give to the country people and to the town people, too, because they get the benefit, a

country express service exactly like we have provided for the people who live in towns and cities and who have railroad connection. That is all there is to it. It is only an experiment, and I think we can well afford to make it.

Mr. VARDAMAN. Mr. President, I agree with the able Senator from Georgia [Mr. HARDWICK] as to the good results which will come from this service. I am not opposed to the principle underlying this system which is sought to be established. I am in favor of the Government doing anything that the Government can properly do by which all the people or a greater majority of them may be benefited. I believe that governments are made for men rather than men for governments.

If this system will bring the farmer, the truck grower, closer to the consumer in the cities it benefits both parties to the transaction. The farmer gets a better price for the products of his soil, the consumer gets a better variety of food to eat and pays less for it. The only person who is injured by the establishment of this system of transportation is the middleman, who makes the profit on the goods he sells in the cities.

I hardly think it is an experiment. It has passed the experimental stage, and I hope sincerely that the amendment may be agreed to by the Senate. It is good for the farmer, better for the town man, and good for everybody.

Mr. KING. Mr. President—

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

Mr. VARDAMAN. I yield.

Mr. KING. I regret having been obliged to be absent from the Chamber and therefore am compelled to ask, Was the Senator from Mississippi just discussing section 7?

Mr. VARDAMAN. Yes; I was discussing section 7, the section with reference to motor trucks.

Mr. KING. Have any data been furnished to the Senate concerning the operations of the department under this plan?

Mr. VARDAMAN. The Senator from Georgia [Mr. HARDWICK] has just had read by the Secretary a statement from the Post Office Department, was it not, in regard to the matter?

Mr. BANKHEAD. It was a statement of the Fourth Assistant Postmaster General.

Mr. KING. I should like to inquire if there is any other Senator who desires to speak on this matter?

Mr. BANKHEAD. I do not know of anyone who desires to speak. I do not think it needs any argument.

Mr. VARDAMAN. I think it is a self-evident proposition and needs no argument.

Mr. BANKHEAD. Mr. President, I should like to say to the Senator from Utah [Mr. KING] that the Secretary has just read quite a long explanation of this whole subject, covering six or seven typewritten pages, which goes very fully into the whole question. I am sure, if the Senator from Utah would read that statement, he would quite agree that this is a proper provision in the bill.

I desire to say further, Mr. President, that this section does not carry any appropriation for this work. It merely authorizes the Postmaster General to expend \$100,000 out of the postal revenues—that is all—in experimentation. It does not increase the appropriation.

Mr. GALLINGER. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield.

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

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

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

Ashurst	Hardwick	McNary	Sherman
Bankhead	Henderson	New	Smoot
Beckham	Hollis	Norris	Sterling
Calder	Johnson, Cal.	Nugent	Sutherland
Colt	Jones, Wash.	Overman	Swanson
Culberson	Kellogg	Page	Thomas
Cummins	Kendrick	Phelan	Tillman
Curtis	Kenyon	Poindexter	Trammell
Fall	King	Pomerene	Underwood
Fernald	Kirby	Randell	Vardaman
France	Knox	Robinson	Weeks
Gallinger	Lenroot	Salsbury	Wiltsey
Gronna	Lewis	Shafroth	
Hale	McKellar	Sheppard	

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum is present. The question is on the adoption of the committee amendment, which is section 7.

Mr. GALLINGER. Mr. President, I have not had the privilege of reading this amendment until a moment ago, but it strikes me as a very extraordinary provision. It is called an experiment, and it certainly is an experiment in every sense of the word. A hundred thousand dollars is to be provided in this

bill, at the expense of the taxpayers of the country, to carry garden truck from the farmers adjacent to the cities of the United States. It will be but a trifle of what will be necessary if we are going into this matter and do justice to all sections of the country; but it does seem to me that there is little if any foundation, for the contention that the Government ought to engage in this business.

Mr. HARDWICK. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. HARDWICK. There will not be any loss from this appropriation. The report of the department shows that they have operated these six routes, which they have already had, and they are making a profit out of them. We are not going to spend any of the taxpayers' money in this business, no matter what other things may happen.

Mr. GALLINGER. They have got to take \$100,000.

Mr. HARDWICK. But we will more than get it all back in the service that we are conducting from the operation of the business.

Mr. GALLINGER. Now, let me ask the Senator as to the modus operandi of this business. There is a farm, we will say, 20 miles outside of Washington, where a man is raising produce which the people of Washington are in need of and the Government hauls it into Washington. How is it then to be disposed of?

Mr. HARDWICK. It is to be transported to whomsoever it is consigned in Washington.

Mr. GALLINGER. To the individual family?

Mr. HARDWICK. To the individual, whether it be a merchant or a householder or what not.

Mr. GALLINGER. And who settles with the man who raises the produce?

Mr. HARDWICK. That is a matter entirely between the seller and the buyer.

Mr. GALLINGER. I presume it would be; but just how is the adjustment to be made?

Mr. HARDWICK. It might be made by money order or it might be made by check or in any other way; I do not know how.

Mr. GALLINGER. Can the Senator from Georgia tell me where these three routes are that are now in operation?

Mr. HARDWICK. There are six of them. One is from Baltimore to Philadelphia.

Mr. GALLINGER. The Senator must excuse me for asking the question. I did not hear the Senator's statement.

Mr. HARDWICK. I am glad to give the Senator the information. One of these routes is between Philadelphia and Baltimore and Annapolis and Washington; another from Baltimore to Solomons Island, Md.; another from Baltimore to Lancaster, Pa.; another from Washington to Leonardtown, Md.; another from Philadelphia to Atlantic City, N. J.; and another is between Washington and Frederick, Md., by way of Mount Airy, Md.

Mr. GALLINGER. Do I understand the Senator from Georgia that there has been a route established by the Government, and controlled by the Government, between Washington and Frederick, Md.?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. A route which carries produce into the city of Washington?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. I am glad to hear that. I never heard of it before. I might possibly have been patronizing it had I known of it.

Mr. HARDWICK. The Senator from New Hampshire will understand, I will say, if he did not hear the statement from the Post Office Department read, that the Post Office Department has established the six routes which I have been naming to the Senator under the provisions of the law authorizing star-route service.

Mr. GALLINGER. I had supposed that the star-route service related to the mails.

Mr. HARDWICK. Those routes do carry mail, but every one of them—

Mr. GALLINGER. And the Postmaster General has assumed authority to add a truck service to the mail service?

Mr. HARDWICK. Why should he not, when the law authorizes it?

Mr. GALLINGER. Why should he? The Postmaster General does not permit the rural carrier to carry anything of that kind on any route.

Mr. HARDWICK. Oh, yes; the law authorizes the carriage of parcels up to the 70-pound limit in the first three zones, or 300 miles, all over this country; and there have been no parcels carried on any one of these routes exceeding in weight that limit.

They are held down to the limits of cost which are established by law for the carrying of parcels. They are merely transporting the parcels on these six routes in automobile trucks instead of on railroad trains.

Mr. GALLINGER. Has the Senator from Georgia any statistics to show how much of this business has been done and what the profits, if any, have been?

Mr. HARDWICK. Yes. I read them to the Senate before the Senator came in.

The average daily revenue as of May 4, 1918, based upon 3-cent rate first-class postage on the route from Baltimore to Solomons Island—we will take that, for example, as that is the one the Assistant Postmaster General uses. The average daily revenue has been \$334.07; the average daily direct expense—gasoline, drivers, repairs, garage, which includes all actual costs paid—has been \$12.45 as against \$334.07. The indirect daily expense as of May 4, 1918, includes depreciation 33½ per cent on trucks, and interest 4 per cent, supervision, and so forth, \$10.09. Total daily expense, \$22.54. The receipts for 313 days were \$104,563.91; and the annual expense direct for 313 days was \$3,795.85. The annual expense indirect for 313 days—that is a year, of course, omitting Sundays—was \$3,158.17. The total expenditure for a year of 313 days was \$6,954.02, and the net revenue was \$97,609.89.

That is just one of the routes. They are good money makers.

Mr. GALLINGER. Did the Senator say that was on one route?

Mr. HARDWICK. On one route. In fact, I think we shall be able to pay some of the salary increases for which we are providing if we let the Post Office Department do a little of this work.

Mr. KELLOGG. Mr. President, will the Senator from New Hampshire yield to me?

Mr. GALLINGER. Certainly.

Mr. KELLOGG. I should like to ask the Senator from Georgia whether any allowance was made for depreciation?

Mr. HARDWICK. The allowance for depreciation was 33½ per cent. They carry this produce on motor trucks, and they have made a wonderful showing. I can not see that it is any more socialistic to have an express service running along the country roads, handling parcel-post business up to a 50 and 70 pound limit, than it is to have a parcel-post express going along on railroads from town to town or from city to city. The governmental principle is the same.

Mr. GALLINGER. Mr. President, there is a good deal of force in that suggestion; but what surprises me is that the Government is engaged in an activity that is as profitable as the Senator from Georgia suggests this experiment has been. We assume governmental control of railroads, and immediately the cost to the public has been increased, while the service has been very much depreciated. That has been about the experience that other countries have had, as can easily be shown in the matter of governmental activity in the conduct of business.

Mr. HARDWICK. I quite agree with the Senator from New Hampshire, as he knows, in that regard, but let me tell the Senator what I think is the real explanation of that difference. These country express routes—I will call them that, so that the Senator may understand what I mean—traverse a territory and handle goods and produce of various sorts that otherwise would find no market at all in many cases, and that in other cases would have a more indirect and expensive method of transportation. Therefore I think they have attracted a good deal of business. I believe there is a great future for this service. I think it will really accomplish what we thought we were accomplishing when we established the rural parcel-post system.

Mr. GALLINGER. I am very sorry to trouble the Senator from Georgia with questions.

Mr. HARDWICK. I am very glad to help the Senator from New Hampshire all I can.

Mr. GALLINGER. Because I ought to have heard his statement in the first place. I desire, however, to ask exactly how is this business conducted? The Government is in the business?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. The Government is making the profit?

Mr. HARDWICK. The Government is in the express business.

Mr. GALLINGER. It is in the express business. The Government sends trucks to Frederick, Md., and the produce of the farm and the garden is collected. Does the Government become in any way obligated so far as that produce is concerned?

Mr. HARDWICK. For its safe delivery?

Mr. GALLINGER. For its safe delivery. Does the Government invest anything in it? My thought is—and it is a practical thought—exactly what is the modus of getting the material from the producer to the consumer?

Mr. HARDWICK. I will tell the Senate what I know about it, and of course that is the best I can do. I imagine, and this is my imagination, and not my knowledge, for I have not inquired about it, but I presume they regulate the question of liability just as they do in the case of the parcel post. I think in the general parcel-post business a small extra charge is made when it is desired to guarantee safe carriage.

Mr. BANKHEAD. Insurance.

Mr. HARDWICK. Insurance, as my colleague from Alabama suggests. I assume that, of course, the same method would be applied, because it could be applied to this character of business.

The proposition, when it comes to its actual or practical working out, is this: Say a merchant in Frederick, Md., wants to consign to a merchant or a produce dealer or a market man here in Washington any considerable amount, or any amount of merchandise, any kind of merchandise, up to the weight limit; he merely sends it in this way, and makes whatever arrangement he pleases with his Washington customer, and in that way gets a somewhat better price—I presume the result will be that he will get a somewhat better price than he would at Frederick—and at the same time the Washington man could sell at a smaller price than heretofore prevailed at Washington. That is the theory of it; there probably would be some concession.

Mr. GALLINGER. Mr. President, does the Senator really think that the ultimate consumer is going to get any benefit out of it?

Mr. HARDWICK. I have no doubt of it, because the ultimate consumer can avail himself of the privilege afforded, and will undoubtedly do so when the service gets beyond the experimental stage. For instance, there are many country stores scattered around all the cities, and people who are shrewd and prudent about their household affairs could very well place orders with them for eggs, chickens, and other things and have them brought in over these routes.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, I know of an instance where a man living in the city has placed a regular order with a farmer in the country, and receives eggs, chickens, and vegetables in that way. They are brought to him three times a week.

Mr. GALLINGER. He can do that by parcel post now.

Mr. VARDAMAN. Well, he can do it by truck transportation; and, as I said a moment ago, it gives the town man better food; it gives the country man better prices, and it gives the town man cheaper prices than he would have to pay if he bought direct from a town dealer.

Mr. GALLINGER. Mr. President, I have had a little experience—not much—in regard to such matters in my own section of the country, and I have made the discovery that the average farmer now has a telephone and knows exactly what eggs, poultry, and other articles raised on his farm are worth in the nearest market; and if anyone is shrewd enough to get them from the farmer at a much less cost than he can get them at the nearest market, he has had better luck than I have had.

Mr. HARDWICK. I think the Senator is right about that; but the larger the supply, the lower the price is likely to be.

Mr. GALLINGER. I will not pursue the matter. I am against Government ownership and shall vote against this section; but if it is agreed to, as probably it will be, I hope it will work as well as the Senator from Georgia contends it will.

Mr. KELLOGG. Mr. President, may I ask the Senator from Georgia a question.

Mr. HARDWICK. The Senator has the floor, and of course I will be glad to answer any question that I can in his time.

Mr. KELLOGG. Is it proposed under section 7 that the transportation of products shall be confined to the Parcel Post System under the law as it now exists, or is there to be an authorization to engage in the transportation of products at the will of the Postmaster General?

Mr. HARDWICK. I will say to the Senator that I have no doubt myself that the department will be confined to the general law regulating the parcel post even under this section.

Mr. KELLOGG. Well, at this stage of the proceeding, does not the Senator think it would be wise to confine it to the parcel post—that is, to transportation as it is now carried on under the Parcel Post System? The Senator is aware that if Congress undertakes to establish a system for the transportation of all products from the producer to the consumers of this country, it will involve a task greater than carrying on the war.

Mr. HARDWICK. There must be limits to it, of course. I understood that they would apply the same limits and the same regulations to this form of transportation as are applied to the parcel post generally, whether the packages are transported on the railroads or street cars or steamboats or anything else; in other words, a 70-pound limit for the first three zones, or 300

miles, and 50 pounds for the remaining zones. I think the Senator will quite agree with me that logically there is no distinction between having a parcel post in the rural sections of the country and having a parcel post on the railroads between towns and cities. I can not draw the distinction between the two.

Mr. KELLOGG. I quite agree with the Senator; but that is not the point I am raising. I am asking whether this transportation that the Postmaster General is authorized to establish is to be confined to the Parcel Post System?

Mr. HARDWICK. I will tell the Senator. I think the language of the section ought not to be amended, because it is a mere experiment, and the Postmaster General is directed to report to Congress. I should like the Postmaster General to have some latitude when he is investigating. When it comes to enacting a permanent law, I quite agree with the Senator that we ought to establish the same limits here that we have established elsewhere; but while we are experimenting with the question and trying to get light I do not like to put express limits on the provision that might interfere with our getting the fullest light that is obtainable on the entire subject.

Mr. KELLOGG. I fully agree that the parcel post is a good thing, and I quite agree with the Senator that anything that facilitates transportation of produce from the farmers to the cities is a good thing; but it is transported now on the railways and to some extent on rural routes.

Mr. HARDWICK. Very little.

Mr. KELLOGG. Under the Parcel Post System. Now, if we are going to enlarge the system as to motor-truck deliveries, we will also have to enlarge it as to the railways, because we shall have to have the same system in existence as to the railways that we have as to motor trucks.

Mr. HARDWICK. I would agree with the Senator about that if this were a proposition to establish the system permanently; but this is not a proposition to establish it permanently, but merely to authorize the experiment.

Mr. KELLOGG. But to experiment is to establish.

Mr. HARDWICK. No.

Mr. KELLOGG. And when it is established in some places every other place will have to have it.

Mr. HARDWICK. But, if the Senator will pardon me, there is only a limited amount of money appropriated; the Postmaster General is directed to report to Congress the result of the experiment, and the language of the section will not authorize any further expenditure as to the fiscal year covered by this bill. Therefore it is impossible that the section should grant authority for anything except for operations during the fiscal year covered by the bill, not to exceed in cost the limit fixed. The reason why I object to tying it down is because when we are experimenting and trying to get light, and are closely limiting the amount of the appropriation and the time during which the money can be expended, it looks to me as if we might tie it up a little too tight if we were to do more than leave it to the discretion of the Postmaster General.

Mr. KELLOGG. Of course, if the Government goes into the business of transporting products in competition with the railroads—

Mr. HARDWICK. It has already gone into that business.

Mr. KELLOGG. That is true.

Mr. HARDWICK. So that it should not be said "if the Government goes into the business," because it has already gone into it. If the Senator will pardon me for taking a little more of his time, the trouble is this: We thought we had established a Government express in the rural sections of this country in connection with the parcel-post law on rural routes, but the fact is we have not established any such service as that; the fact is that from the rural routes of this country to the offices which serve them there is coming to-day from the rural sections of the Republic only one package per day per route, showing that the service has utterly failed in doing what we expected of it.

Mr. KELLOGG. Yes; that is quite right.

Mr. HARDWICK. Therefore we have got to try this, unless we are going to abandon the system.

Mr. KELLOGG. I did not intend to make a speech on the subject, but I wished to ask a few questions of the Senator, because I know he is thoroughly informed on the subject.

Mr. HARDWICK. I thank the Senator.

Mr. KELLOGG. Has the Government made any experiment to compare the cost, say between Baltimore and Philadelphia—I notice one of the routes has been established between those points—of transporting the mails and parcel post by this route with the cost on railroad routes?

Mr. HARDWICK. I do not think so; but so far as I know they have not. They gave us the figures they have, which show how much direct expense for gasoline, drivers, oil, and such

things as those has been incurred in operating these trucks; how much indirect expense, depreciation, and other items, that should properly be considered, was involved, and then they set against those items the total revenue obtained from the operation.

Mr. KELLOGG. But, so far as the Senator knows, no estimate or experiment has been made as to the comparative cost of the service by motor truck and railroad?

Mr. HARDWICK. I assume that when the experiment is made, if the Congress authorizes it, that the Government will be able to give us all the figures as the result of the experiment, and will be able to show us exactly what the service costs and how it compares with railroad costs, and everything else.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me, I am still a little hazy about this matter, and I should like the Senator to clear up the fog. Will these trucks deliver produce to the householder?

Mr. HARDWICK. Wherever the produce is consigned to him; yes.

Mr. GALLINGER. The truck would go over the city as a huckster?

Mr. HARDWICK. It will go anywhere in Washington, as I understand, to any householder who wants it.

Mr. GALLINGER. It will go into the huckster business, as a matter of fact?

Mr. HARDWICK. I imagine that anywhere along the line or at one of the terminals where a parcel is consigned the truck will deliver it.

Mr. GALLINGER. One other matter. As the Postmaster General figures it, there is a very large profit to the Government from the routes that have already been established, but does not that profit largely come from the sale of stamps for the carriage of mail?

Mr. HARDWICK. Some considerable part of it—I would have to examine the figures to know how much—comes from the carriage of mail.

Mr. GALLINGER. Outside of that, how does the Government get a profit? I may be stupid about this, but how does the Government derive revenue from it?

Mr. HARDWICK. By charging so much per pound for produce or merchandise that is hauled. That is where it gets the revenue.

Mr. GALLINGER. And collects it from—

Mr. HARDWICK. From the sender.

Mr. GALLINGER. From the man who sends it?

Mr. HARDWICK. Yes, sir.

Mr. GALLINGER. It goes to the farm and takes the package, weighs it, and collects the money?

Mr. HARDWICK. Yes.

Mr. GALLINGER. I think, if the Senator will look into it carefully, he will find that a very considerable portion of the money comes from the transportation of the mails. As I said a moment ago, I am entirely against the principle of the Government going into the business of the private citizen—

Mr. HARDWICK. Did the Senator favor the establishment of the parcel post?

Mr. GALLINGER. In a modified form; yes.

Mr. HARDWICK. What is the difference between this and that?

Mr. GALLINGER. Well, that is a mail matter, largely.

Mr. HARDWICK. No.

Mr. GALLINGER. Originally it was.

Mr. HARDWICK. Does the Senator think so when it comes to 50 and 70 pound packages?

Mr. GALLINGER. We did extend the weight limit, and I think the system has worked out very well, but I can not see why it can not be utilized to do that business.

Mr. HARDWICK. It can—

Mr. GALLINGER. I can not see why we should have another instrumentality.

Mr. HARDWICK. It can, so far as it reaches the places where this business is waiting to be done; but this is a proposition to apply to the rural sections immediately adjacent to some of our larger cities the same system that we apply between railroad station and railroad station.

Mr. GALLINGER. There is no rural station that has not some system of mail delivery.

Mr. HARDWICK. No; but the trouble has been, if the Senator will pardon me for repeating, that there has been such a tendency to slow up the mails if much parcel-post business is handled on the rural routes that the people who are patrons of the routes—or possibly it is because the carriers in some cases discourage it—have not used the Government express service known as the rural parcel post, for, as I said a little while ago, there is only one package a day on each route. This provision is

designed to give them a freight service that will not necessarily be hampered by too great a connection with the mail service.

Mr. GALLINGER. I think I have asked all the questions I wished to ask.

Mr. KING. Mr. President, section 7 of this bill, in my opinion, is filled with lurking dangers and the possibilities of serious consequences in the precedent which it will establish. Sometimes measures, not only innocent on their face but apparently altruistic, bearing the legend for the "public weal" are pregnant with the greatest dangers, and sow the seeds of political and social destruction. Indeed, some of the most baneful legislation has been clothed in the most beautiful colors. It has come as if it were "gifts from the Greeks," and the people have forgotten the old saying to beware of Greeks when they come bearing gifts. In the experience of most Senators they will recall measures that received support upon the pretext that they were for the benefit of the people, and yet it soon became manifest that the measures were hurtful to the last degree. It is claimed that this section provides for the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer. The section then provides that the Postmaster General is authorized to conduct experiments in the operation of motor vehicle truck routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and there is a further provision that he shall report the result of such experiments to the Congress. This, it would seem, is an experiment, and yet, as it appears from the report submitted by the Senator from Georgia emanating from the Fourth Assistant Postmaster General, experiments have been conducted between near-by cities and under the most favorable auspices. Of course, I appreciate that it is difficult for one, not a member of the committee which has had this bill and all the questions involved under investigation, to discuss it intelligently. The committee has spent weeks and months in the consideration of the questions presented by this measure. They know all that can be said in favor of the propositions contained in the bill, and have anticipated any possible objection that can be urged against them. I can only submit a few thoughts gathered from my own experience and try to apply the fundamental principles of legislation and of governments, as I comprehend them, to the proposition and theories and schemes contained in proposed legislation. I know that the able Senator from Georgia [Mr. HARDWICK] is a profound student of our Government and of constitutional question, and I am a humble follower of the Senator in his interpretations, in his construction of the Constitution, and particularly as it applies to the powers and functions of the Federal Government, its rights, and its limitations, and the powers and prerogatives of the States, and the rights which the people have reserved to themselves. I confess that I am frequently surprised, if not shocked, at the evident purpose of many leaders in political thought to change not only the letter and form but also the spirit of our Government.

We do not often nowadays speak of the Federal Government as a Government of enumerated and limited powers. There is seldom a defense of the rights of the States and an exposition of the powers of the States which is in conformity with the voice of the fathers. We seldom speak of the individual as sovereign, as the chief unit in our form of government, of the important necessity of developing self-initiative and the strong and virile individualism which develops character and produces men and women competent to bear the burdens of local self-government and to enjoy and carry forward the purpose of a true democracy. In my limited study of the Constitution of our country, of its history, and of its development I have reached the conclusion that the functions of government are materially different from the activities of the individual. Freedom and liberty and genuine progress result from the development of the individual. The struggle in all the ages has been to put hooks in the jaws of individuals and governments that sought despotic power. Progress and civilization are the sunlight coming from the darkness of autocratic centralized government. When government controlled everything there was ignorance and poverty and servitude for the people, resulting from a cruel and oppressive absolutism. As men were freed from the domination of governments and permitted to go out into the field of individual effort there arose within them hopes and aspirations and ambitions which led them into a fairer and brighter day. Kings and rulers and emperors of antiquity controlled all enterprises, directed the efforts and labors and lives of their subjects, and gathered the products of their toil and their labor, built the roads and highways and bridges, controlled all transportation facilities, became the dispensers of all gifts, denied individual initiative, private endeavor, prevented personal development, stifled the hopes and joys and ambitions that lead

to liberty and manhood, and covered the nations, the millions of their groaning subjects, with the dark mantle of omnipotent power. Even in Cæsar's time the government built and controlled the highways and all means of transportation. The government was the godfather, bestowing its gifts and placing its burdens as it chose. For centuries Rome was a huge autocracy or a tyrannous paternalism. It gathered the crops and brought them to Rome to feed the people, it laid its paralyzing and clammy hand upon the individual, dwarfed him into littleness, and robbed him of that spirit of independence which is the glory of uplifted manhood, and prepared him for the conquest of the wild hordes that poured out of the north and over the Alps into the fertile fields and plains of Italy. We hear around us constantly the old cries of governmental ownership and governmental control, of the necessity of the Government controlling business and taking charge of the industrial life and economic concerns of the people. And when the cries of war are loudest these demands for governmental usurpation are strongest.

Mr. President, I believe that the Government as it came from the fathers is the greatest and best Government that the world has ever seen. I believe that our form of government has never been surpassed, and that under it there will come the greatest progress and the greatest liberty and the highest advancement of which humanity is capable. In my opinion, when we depart from the spirit that animated the fathers and that finds expression in our Constitution such departure will be attended with dangers, and if persisted in will end in disaster. This Republic was made possible because of the independence, the courage, and individualism of those who founded it. They believed that governments had their sphere of activity and that they should be strictly limited to the orbit prescribed for them. They learned from the dark and somber pages of history the importance of individual freedom and the possession of a broad field for individual effort. They were not asking the Government for power or humbly beseeching the Government for gifts and bounties and gratuities, and to assume the burdens and responsibilities of private individuals and of private enterprise. They saw a continent before them; they saw that States were to be builded, rivers were to be bridged, streams were to be harnessed, factories were to be erected, and towns and cities and sovereign States to be established. With courage and bravery and those lordly qualities that develop strongly in the Anglo-Saxon race they builded the great structure in which we live. There are those now who would tear down what they have builded. It is brutal iconoclasm that is attempted. This measure which we are now discussing is but a little thing, it is merely a straw upon the surface, but it is one of those symptoms which so often appear now in legislation. It shows that there is a disease invading the Nation.

Mr. President, it needs no prophetic power to prognosticate that when any Government lays its hand upon the private enterprises and activities and pursuits of the people, and takes over the business of the people and controls the sources and fountains of production and distribution, it means paralysis, atrophy, stagnation, and ultimately industrial and political destruction. A paternalistic form of government or a socialism, whether it be called the purified socialism spoken of by Dr. Scaffe, or Marxian socialism, or the extreme, poisonous, revolutionary, and nihilistic socialism of some Germanistic and Russian schools in our country, was not made for a free people.

It is the antithesis of our majestic Republic. Industrial or political liberty, when enjoyed, and if enjoyed, then lost, are not overthrown in a day or in a year. Socialistic attacks are always insidious; so also are bureaucratic and paternalistic assaults. Intrigues develop slowly, but move with dynamic and persistent effort. There are so many excuses and pretexts urged, so many of them plausible and alluring, for governmental control of matters and questions that are purely local or exclusively within the realm of individual effort! In this hour, when war is upon us and when the products of mill and mine and farm are mounting in cost to the consumer, to urge a proposition which it is claimed will cheapen the price to the consumer is to make a *prima facie* case. The question is asked, Do we not need transportation facilities? Is it not desired to have food products brought to the cities and the products of the mill and the factory taken to the doors of the consumer? The answer, of course, is in the affirmative. The conclusion, then, it is asserted, is inevitable and irresistible that the Government should assume this duty.

Mr. President, I do not have the time nor would it be profitable to enter into a philosophical or political discussion of individualism and collectivism, or the question of social justice and the duty of the State to interpose in the interests of social welfare. Of course, extreme individualism is not found

in our democratic form of government. Social justice, to secure the rights of the individual and the rights of the people was the object of this Republic, and the maintenance of those rights will best be secured by the adherence to the form and the spirit of our Federal Constitution.

Addressing myself to the question before us, I venture to assert that the same reason which would justify the Government embarking upon the business contemplated in the committee amendment would warrant the Government in undertaking the performance of substantially any private business. Already this wave of State socialism is finding expression in demands made by some that the Government shall take over all of the coal mines and own and operate them. Some of the proponents of these schemes do not seem to understand that these great properties possess value, and that to deprive the owners of their properties they must be compensated for the same. They seem to forget that there could be compensation only by taxation and that the people would have to bow their necks to meet the burdens that such taxation would involve.

A distinguished Member of the other branch of Congress has demanded that the Federal Government take over and operate the copper mines. Let us pause to inquire who is to pay for them, where are the vast sums to come from with which to discharge the obligation which would result from such a course? Perhaps some who are demanding this policy would go a step further and insist that the Government rob the owners of their property. It is insisted by many that the Government shall acquire, by purchase or otherwise, all sources of power for the generation of electric energy and build hydroelectric plants and furnish power to the people. Still others insist that the National Government shall take over, own, and operate all packing plants, all warehouses, particularly those used for storage of grain, all steel and iron plants, all powder factories, all manufacturing plants employed in producing agricultural implements, all factories engaged in the production of aeroplanes, automobiles, woolen and cotton fabrics. Some insist that the lumber industry should be owned and controlled by the Government; and there is a swelling chorus that the Government shall own and control all railroads, not only the transcontinental and trunk lines, but subsidiary, and even interurban railroad lines, all canals, and all means of transportation whatever. It will be said that this scheme is so stupendous that it becomes preposterous, and yet it is manifest that if the Nation embarks upon the plan of governmental ownership and control of enterprises or pursuits that belong to the domain of individual effort, that if the Government goes outside of the field of governmental function and once enters the domain of private enterprise, no one can determine what the end will be. The dam that holds back the great reservoir is not secure if only a little stream finds its way through the crevice or some interstice in the structure. The development of transportation facilities in the United States during the past 50 years has been unprecedented in the history of any nation. We have nearly 300,000 miles of steam railroads; there are thousands, and, indeed, tens of thousands, of miles of interurban railroads. These great transportation companies have been the result of private endeavor.

The American business man is courageous and adventuresome. The American business man loves an enterprise calling for skill and courage and daring. The hope of reward, the desire to do big things have been incentives leading to the establishment of great industrial enterprises in our country. If the Government enters into the field of private endeavor, of course, it crowds out the individual, destroys further effort upon his part. Who would build railroads in the United States now, either steam or electric? It is true the electric roads have not yet been taken over by the Government, but with this rising tide of socialism no one would venture the construction of an interurban road of any consequence. Who would dare to develop big coal fields or great copper mines or great hydroelectric plants when the threatening hand of the Government is raised above his head? A policy that leads to these demands for Government control and ownership of the enterprises and industries of the country will paralyze business and bring distress, if not bankruptcy, to the people. One of the reasons that has led to the rapid extension of interurban roads in our country has been the desire of getting the freight from the rural districts and of serving the farms and the suburban population. There is no question but what the interurban railroads have been of immense benefit to the people. They have linked remote parts of the States together and have brought the farm and the rural population into close relation with the cities. Their operation has resulted in reducing freight rates and passenger rates. Indeed they have seriously cut into the profits of the steam railroads. Transportation facilities follow the demands of the people. The railroad goes where there is trade and traffic. If a new oil or coal field is

opened up, the railroad speedily enters it. Out in the deserts of the West if a mine is discovered of any magnitude a railroad is soon there and the ore is carried to smelter and mill for the benefit of all. But, as I stated, if the Government takes over the transportation facilities of the country there will be no further effort by private enterprise to find investment in this field.

I recall that a number of years ago in my own State an interurban railroad was constructed from the capital of the State to Ogden, a city 40 miles to the north, and later the road was continued from Ogden to the northern part of the State, and within the past two or three years an electric road has been constructed from the capital southerly for more than 80 miles. These roads pass through farming sections, and have proved of great advantage to the agriculturist. They cheapened freight and passenger rates within the State, and were particularly beneficial to the farmers. Under a proper policy these and other interurban roads will be extended, and private enterprise will provide the necessary transportation facilities to meet the demands of the people. It is no answer to say that private enterprise has not in the past fully accomplished this. That may be true, but yet the growth of our country and the products of farm and field and mine have not been sufficiently great to warrant the construction of these instrumentalities to every part of our land. As stated, transportation facilities come as the needs of the people demand. The great State of Montana a few years ago was regarded as only fit for the grazing of cattle and because of its mineral production. It has now developed into a great agricultural State. Cities and towns are yearly being built. Railroads and transportation facilities will be extended into all parts of the State to meet the needs of the people; and so it is in other States and in all sections of our land. In many parts of our country farmers have organized for the purpose of caring for their products and transporting them to the points of consumption. In California the orange growers, those who produce lemons and grapes and olives and other tropical and semitropical fruits, have formed associations to handle, care for, and transport the products of their vineyards and orchards and fields.

The American people can be trusted to meet their economic and social needs. They will build factories and develop industries and create transportation instrumentalities whenever and as soon as they are required. I might say in passing that if the Government shall enter into the business of conveying from farm and field and mine and factory all of the products of the people and distribute them at the points of consumption, millions of men will be required, hundreds of millions of dollars will be needed for the required transportation facilities, and an annual outlay of hundreds of millions of dollars will result, and in carrying out this project the railroads, now controlled by the Government, will be robbed of much freight and the Government will pro tanto be deprived of revenue which the railroads otherwise would have earned, and thus the deficit for operating the railroads will be augmented.

Mr. President, it is claimed in the report just read that the experiment so far conducted shows a profit to the Government. That is quite possible. I remember a few years ago, when a number of gentlemen wanted to get a franchise for a street railway company, that they secured figures showing the number of people that would be carried between two populous districts of the city. Of course, the number of passengers carried between such points would be great and the profits large. They did not show the great expense of operating a street car system into other parts of the city, nor mention the small number of passengers that would be carried in sparsely settled portions when the road was to be extended. Some railroads in this city are prosperous. Others that extend into the rural districts are unprofitable.

So it is here. The Postmaster General has selected, as the report indicates, routes between Philadelphia and Baltimore, between Annapolis and Washington, between Baltimore and Solomons Island, Md., between Baltimore and Lancaster, Pa., between Washington and Leonardtown, Md., between Philadelphia and Atlantic City, and between Washington and Frederick by way of Mount Airy. Within this area there are millions of people, the roads are excellent, and everything is conducive to economy and to cheapness in transportation.

Of course, between these points trucks could be run at a minimum of expense and a maximum of freight, and conditions highly favorable. I can conceive of a motor truck carrying freight between two large cities, or along a route where there are a large number of farmers who have a vast amount of products which they desire to send to market, and yielding large profits on the investment. There is no doubt but what in many instances it would be profitable for the Government to engage in the freight business by means of motor trucks, but

when it goes beyond the thickly populated districts, beyond the favored points, out into the agricultural districts of the States, and attempts to establish the system in the country generally, then a different result will follow. The costs on such circumstances would be enormous, the receipts less, and the Government in the end would have a deficit.

So that, to my mind, these figures tendered to us, based upon the routes which have been suggested, are meaningless. They do not prophesy profits to the Government if a general plan is inaugurated. They are not fair for the purpose of determining whether this system is going to be profitable or unprofitable. Without being so intended, they are descriptive, and will lead to baseless conclusions.

Mr. President, it seems to me that if you start upon this scheme, just as the Senator from Minnesota [Mr. KELLOGG] has suggested, as an experiment, leaving to the Postmaster General, or those who are called upon, to carry out this plan, the determination of where the routes will be, they are bound, not necessarily unfairly or dishonestly, to make a good schedule that will yield a profit if possible, and present to Congress a good balance sheet. It would be foolish for them to do otherwise. They are going to take the cream, if I may be permitted the expression, of the country to justify the scheme. They are going to select those points where there will be a profit, if it is humanly possible to produce a profit. They are not going to impose the system upon the rural districts, upon districts where the population is not congested, upon districts where the roads are bad, or where there are difficulties to be encountered. They are going to select the best roads, in the most favored sections, where there will be the most freight, and where there will be possibly the least competition, and, of course, under the favorable conditions selected by them they are bound to present a favorable balance sheet.

But, if we start this system, what does it mean? If the farmers in Calvert County, in which Solomons Island is located, or in Frederick County have the right to have the Government carry their produce into Washington, then the farmers in the State of Minnesota will have an equal right to have the Government come to their homes and collect their freight and garden truck and agricultural products and transport the same to the centers where it is consumed; and the Senator from South Dakota and the Senator from New Hampshire will be importuned by their constituents to procure motor-truck routes to meet their demands. They will say in substance that if the people of Maryland, in the vicinity of Washington, and the people in the vicinity of New York and Philadelphia, are entitled to have the Government send vehicles or other means of transportation to their farms every day to gather the milk and the butter and the vegetables and take them to the cities, why should not we, far removed from the centers of population and from the Capital of the Nation, have the same privileges?

Mr. KELLOGG. Mr. President—

Mr. KING. I yield.

Mr. KELLOGG. I notice that the scheme of the Postmaster General, in his recommendations, is not to include any of the country west of the Mississippi River.

Mr. KING. Of course not.

Mr. BANKHEAD. Mr. President—

Mr. KING. I yield to the Senator from Alabama.

Mr. BANKHEAD. This is not anything more than an extension of the present parcel-post system. Replying to the suggestions of the Senator from Utah, all over this country, from every courthouse, from every town, the parcel-post system now goes out, regularly organized and regulated by the Post Office Department. I venture the assertion that there is not a courthouse or a town of 500 or 1,000 people in this country along a railroad that has not a rural route running out every day, carrying and bringing parcel post, extending itself to every community. This is simply a proposition to relieve the congestion that the regular parcel post, under its present operations, can not meet; that is all. There is no appropriation made here. The amendment simply permits the Post Office Department to expend \$100,000 from its postal revenues, coming perhaps from the very receipts from bringing in these parcels.

If the Senator will excuse me one minute further—

Mr. KING. Yes; to be sure. I am glad to hear the Senator.

Mr. BANKHEAD. Take one of these established routes that the Postmaster General talks about: What is the process? They do not go out and go to a farmer's house and say: "If you have any eggs or chickens or butter or vegetables, we will take them in for you"; but they will establish stations along that route, perhaps every mile, or at convenient places, just as they establish mail boxes now for the rural mail service.

Mr. KELLOGG. Mr. President—

Mr. BANKHEAD. I yield.

Mr. KELLOGG. If the Senator from Utah will allow me—

Mr. KING. Certainly; I shall be glad to yield.

Mr. KELLOGG. But it is not proposed, under this bill, to confine the transportation to the present system of parcel post. If it is, why not say so in the bill?

Mr. BANKHEAD. There is no objection to saying that, Mr. President; but I did not suppose anybody would conceive that the Post Office Department would go beyond their regulations, made in pursuance of law, with reference to the parcel post. I thought perhaps everybody would assume that the Post Office Department would confine itself in its operations and its regulations to the law as it now exists; that is all.

Mr. HARDWICK. Mr. President, if the Senator will allow me—

Mr. KING. I yield.

Mr. HARDWICK. Not only that, but we have left it to the Postmaster General to raise the weight limit whenever he wants to. He has raised it once, almost doubled it, within the past few weeks, and he can raise it again. So, after all, it is a matter of discretion with the Post Office Department, even as to the things established by law.

Mr. KELLOGG. So far as the limit is concerned, yes; that is true.

Mr. BANKHEAD. Mr. President, for fear some Senator may misunderstand the suggestion of the Senator from Georgia, let me say that that discretion is not given to the Postmaster General in this bill. It is given in the original parcel-post law, which has been in operation for years.

Mr. HARDWICK. Exactly.

Mr. KING. Mr. President, I shall not be diverted by anything that the Senator from Alabama says into a discussion of the parcel post. This bill calls the scheme which we are discussing "an experiment." It is not the parcel post extended; but whatever label may be placed upon it, it does not command my support.

Mr. BANKHEAD. I just wanted to give the Senator a little information.

Mr. KING. I am very glad to receive it, because I stated at the outset that, not being a member of the committee reporting this bill, I did not have the advantage that the members of the committee had in the way of investigating this subject. This proposed legislation is sought to be justified by reference to the parcel post.

Mr. President, if it is a proper function of the Government and if it be wise and proper to embark the Nation upon the scheme of transporting all of the people's products from the producer to the consumer, why not inaugurate it in those sections of the country where it will accomplish the most good and serve those who suffer most from lack of transportation facilities? If the Government is going into the business of carrying the food products of the farmers to the consumer, why not install this system in some of the great agricultural districts of the country? Why not apply it in Iowa, Wisconsin, Minnesota, and some of the States beyond the Mississippi River?

Mr. HARDWICK. Mr. President, it is already installed in all of them.

Mr. KING. Then, if it is installed, why appropriate \$100,000 for an "experiment"?

Mr. HARDWICK. Oh, we do not appropriate \$100,000 at all.

Mr. KING. I have understood the Senator from Georgia and the Senator from Alabama to say that this was an "experiment."

Mr. HARDWICK. Exactly.

Mr. KING. If it is an experiment, then it is untried, new.

Mr. HARDWICK. No.

Mr. KING. A tried system, one that is in operation, is not an experiment.

Mr. HARDWICK. But the Senator wants to extend this service to the people in all of these States. Now, of course, the Senator ought not to take that position, because this is impartial with respect to the whole country, and it is not fair to suppose that the Postmaster General will not apply it impartially to the country. As far as the parcel post is concerned, with its 50 and 70 pound weight limits, the Government transportation of freight, against which the Senator is inveighing, is already in force throughout this Republic by law. This is merely a different method of handling it; that is all.

Mr. GALLINGER. Mr. President, will the Senator from Utah permit me to ask a question of the Senator from Georgia?

Mr. KING. I yield.

Mr. GALLINGER. It is being insisted that no appropriation is made for this purpose. If \$100,000 is diverted from the revenues of the Post Office Department, is not that equivalent to an

appropriation? In other words, if it is not used for that purpose it will be a surplus that will go into the Treasury.

Mr. HARDWICK. Undoubtedly if this experiment were conducted at a total loss it would come out of the postal funds, and in a way that would be indirectly at the expense of the taxpayers; but I do not think it is fair to assume that there is going to be any loss when the experiments so far show a large profit, and, of course, unless there is a loss in the establishment of these routes, there will be no expense attached to anybody.

Mr. GALLINGER. Mr. President, if the Senator from Utah will permit a further observation, I am very clearly of the opinion that if this is to go along the same line that the Rural Delivery Service has gone, and is extended into the rural districts, there will be a loss. We all know that when we established the Rural Delivery System we thought we would confine it to a small section of the country; but immediately every community demanded it, and practically every community in the United States has it at the present time. I do not for the life of me understand why this is confined to the territory east of the Mississippi River.

Mr. HARDWICK. Not at all. If the Senator from New Hampshire will permit me, and the Senator from Utah—

Mr. KING. I yield.

Mr. HARDWICK. The proposition is, and I think it is pretty clearly stated in express language, that this experiment shall be conducted within a reasonable radius or circuit of the larger cities—North, East, South, and West. I do not suppose there is to be any partiality or favoritism in the matter. I certainly would not make that assumption, and I hope the Post Office Department would not be guilty of it. But it is not to duplicate existing rural routes, of course.

I suppose that one of these routes, with a circuit, possibly, of 100 miles, would touch and cut perhaps a dozen rural routes or more. It is a freight service from the rural sections of the country to these cities—the larger cities particularly—and I think it is well worth trying in these times of high prices and high cost of living.

Mr. KING. Mr. President, if this is merely the parcel post, then why this appropriation and why this "experiment"? This plan contemplates, when perfected, the purchase of hundreds of thousands of motor trucks, the securing of all kinds of transportation instrumentalities, the employment of tens of thousands of drivers, agents, car repairers, and other servants necessary to carry out the plan; the establishment of machine and repair shops, the creation of new bureaus, more governmental machinery—all of which will demand tens of millions of dollars annually, with the usual result—imperfect and expensive service and loss to the Government.

The Senator from Georgia [Mr. HARDWICK] states that this plan is largely to serve the rural districts in the neighborhood of the cities, if I correctly understood him; that this bill necessarily will destroy, in a measure, the profits of the interurban railroad lines. We all know that the interurban railroad lines now and for a number of years have been laboring under many difficulties and many burdens.

Mr. HARDWICK. Mr. President, if the Senator will again pardon me, if the Senator will go to the Post Office Department he will find that the Postmaster General or his associate dealing with this matter insists that he has been able to put these routes in operation in territory where they were not served by any transportation facilities at all, either railroads or other lines, I should think. While I do not hold any brief—and I know the Senator does not—for these interurban carriers, I should think the first duty of the Government would be to try to select territory that was not otherwise served for the purpose of the experiment.

Mr. KING. The routes pointed out in the report submitted by the Post Office Department show that they are all in a thickly populated part of the country. The amount appropriated for this "experiment" will preclude the extension of the scheme to other points, or, if to others, to comparatively a few only.

Mr. President, if the scheme were wise and prudent in peace times, it is unsound and improper now. We require all of our resources for the war; all the trucks that can be produced for military purposes. We need all men in the Army, or in the production of the things necessary for the Army, for our allies, and for the American people. We are restricting production in nonessentials. We need all our resources of men and treasures and material things for the war. This is no time for experiments.

Mr. GALLINGER. Mr. President—

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. In view of the fact that the Postmaster General has figured out a very considerable profit to the Gov-

ernment on the routes that he has established, does not the Senator think that the Postmaster General ought to deduct the amount received from postage, inasmuch as they carry letters and newspapers on these routes?

Mr. KING. Most certainly, I answer the Senator.

Mr. GALLINGER. Because if they were not carried in this way they would be carried in other ways, without any additional cost to the Government.

Mr. KING. There is no question but that the Senator is right.

Mr. GALLINGER. The showing is really a very fallacious one in that regard, to say the least.

Mr. KING. I think the figures submitted here by the Fourth Assistant Postmaster General are fallacious and support a view which is sophistical. I do not think they fairly present the case. I think they are misleading and will produce erroneous conclusions. I object now to a policy that projects the Government of the United States persistently and constantly into the private activities of the people, a policy that lays the clammy, paralyzing hand of the Federal Government upon individual initiative and upon enterprises that should be and will be carried on by the people when the war is ended; and when we come to the consideration of the mighty problems that will then demand solution we can then consider this question more fully upon its merits. If the Parcel Post System has failed to meet the expectations of the people and it is deemed proper to extend its operations, that can be done. If the Government is to be the owner and operator of all railroads and all transportation instrumentalities, then a broad and comprehensive scheme will have to be worked out. But now we are at war. Every dollar we need for war. Economy in all things else, but ample money to fight the war to a glorious and a triumphant end.

I hope the committee amendment will not be agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee. [Putting the question.] The Chair is unable to decide.

Mr. HARDWICK. 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:

Bankhead	Henderson	New	Smoot
Beckham	Hollis	Norris	Sterling
Borah	Johnson, Cal.	Nugent	Sutherland
Calder	Jones, Wash.	Overman	Thomas
Chamberlain	Kenyon	Page	Thompson
Curtis	King	Poindexter	Underwood
Fall	Kirby	Pomerene	Vardaman
Fernald	Lenroot	Randsell	Wadsworth
Fletcher	Lewis	Saulsbury	Walsh
France	Lodge	Shafroth	Weeks
Gallinger	McKellar	Sheppard	Wilfley
Hale	McNary	Shields	Williams
Hardwick	Martin	Smith, Ga.	

Mr. SUTHERLAND. I announce the necessary absence of my colleague [Mr. GOFF] by reason of illness.

Mr. KIRBY. I announce the unavoidable absence of my colleague [Mr. ROBINSON] on public business.

Mr. MARTIN. I wish to announce that my colleague [Mr. SWANSON] is necessarily detained from the Senate.

Mr. BECKHAM. I announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The pending amendment is section 7 of the bill.

Mr. BANKHEAD. Mr. President, before the vote is taken I desire to make a short statement in reference to the provisions of the proposed amendment and the purpose intended to be accomplished by it. It is nothing more nor less than the extension or enlargement of the present service as it is now operated by the Post Office Department in the rural service of the country, that goes out from every town in the country, as I have formerly expressed it.

The purpose of this amendment is to relieve as far as possible the congestion that still surrounds the larger cities and towns of the country and to extend the operations of the parcel post under the conditions and regulations prescribed by the Post Office Department that apply to the parcel post as it is now operated. There is no purpose on the part of the department, and could be no purpose on the part of the department, to make some new departure and to engage in the transportation of some kind that is not authorized by the law establishing the parcel post and its regulation as it is now operated.

It is the purpose of the Post Office Department, if these experiments are successful, if they meet the conditions that they are intended to meet, and if they serve the purposes that they are intended to serve at a profit to the Government or at least

without loss to the Government, to extend them to other communities and cities over the country where like conditions exist. For instance, as I recall the letter from the Fourth Assistant Postmaster General, it proposes to establish two or more of these systems in the city of St. Paul, a number of others in the Western States, and a number in the Southern States, or wherever the conditions warrant or justify the experiment.

No one proposes to appropriate any money out of the Treasury for these experiments. The bill provides that the Post Office Department may expend \$100,000 of the postal revenues, and I assume, and I think it is fair to assume, that the \$100,000 will come from profits accruing in the operation of the system which the department seeks to inaugurate, because their experiments already show and the official figures show that it is exceedingly profitable.

Mr. BORAH. Mr. President—

Mr. BANKHEAD. I yield to the Senator.

Mr. BORAH. Then, I understand this is in the nature of an experiment?

Mr. BANKHEAD. Yes; purely.

Mr. BORAH. Of course, if the experiment does not prove successful, the subsidy will be discontinued?

Mr. BANKHEAD. Certainly; I think it ought to be.

Mr. BORAH. Does the Senator undertake to guarantee that it will be discontinued in case it should not be successful?

Mr. BANKHEAD. I could not do that, but I say to the Senator I will guarantee, as far as the Senate is concerned, that there will be no further effort on the part of the Senate to provide any funds for additional experiments.

Mr. HARDWICK. The department could not carry it on because the appropriation of \$100,000 is simply made for the coming fiscal year.

Mr. BORAH. But would the Senator contend that Congress should continue to appropriate notwithstanding the fact that it had not proved very successful?

Mr. BANKHEAD. I am sure I would not be in favor of the continuation of the appropriation.

Mr. KING. Will the Senator yield to me?

Mr. BANKHEAD. Certainly.

Mr. KING. In reply to the Senator from Idaho, I can assure him from figures which will be produced, based upon the plans now in the mind of the Fourth Assistant Postmaster General, it will show a profit.

Mr. BANKHEAD. I hope so.

Mr. KING. They are bound to produce a profit because this scheme is to be superimposed upon us between two different points in a congested part of the country where there is an abundance of agricultural products. Between these favorable points and under the most favorable conditions there is bound to be a profit.

Mr. BANKHEAD. I am sure the Senator from Utah would not care to have the Government establish a service like this on all the rural routes of the country, of which there are 40,000. There is no more necessity for that than there is for building a railroad along each one of the rural routes.

Mr. KING. If the Senator will allow me, I will say that I do not regard the establishment of this system, at least at the present time and under the conditions now prevailing, as wise or expedient. Moreover, the question of the proper functions of the Government is one that can not be ignored.

Mr. BANKHEAD. I see the Senator has that view of it exactly. It is his contention that you ought not to establish it in the congested districts and around the cities unless you are going to give the entire country the benefit of it. That is what he says. Now, how are you going to do that? If this experiment is not a successful one it ought to be discontinued, and I have no doubt it will be successful.

Mr. FLETCHER. If the Senator will allow me, I wish to inquire of the Senator from Alabama in charge of the bill if it is not the object of section 7 to promote direct dealing between producer and consumer in farm products as far as possible?

Mr. BANKHEAD. That is the purpose.

Mr. FLETCHER. I think that is a very important matter. It ought to be done.

Mr. BANKHEAD. There is no question about that being the real purpose and effect.

Mr. FLETCHER. It seems to me to provide for facilitating the collection and delivery thereof of food products from producer to consumer directly is the object. I think it highly important that some provision of this sort be made.

Mr. KING. Will the Senator yield? In view of what the Senator said, I assume he feels that the Government should take over all transportation facilities, that the Government

should embark, for instance, upon the business of handling the freight and operating all the transportation agencies of the country, and see to it that every farmer in every remote part of the country, every cotton planter, every live-stock producer, and all others who produce anything that enters into human consumption or use, should have railroads or canals or motor trucks to carry to market all these varied products.

Mr. MCKELLAR. May I interrupt the Senator?

Mr. FLETCHER. May I answer that, if the Senator will allow me? I, of course, do not go to that extent. The observations of the Senator would seem to lead us into an absurdity. This only applies to such articles as may be carried by parcel post, small packages of products of the farm. Instead of going to some market place or being peddled about, a relation can be established between the housekeeper in the city and the producer on the farm. I think conveyances may be made of the product by parcel post, and it seems to me to be entirely within the field of the activity of the Post Office Department.

Mr. KING. Will the Senator yield? Does the Senator know in various parts of the United States they are carrying coal, sugar, lumber, live animals, and everything that can be conceived of by parcel post?

Mr. HARDWICK. That is done by the existing law by the parcel post, and it will be done right on whether we pass this proposition or not.

Mr. BORAH. What is the necessity of this provision if all these other things are already provided for?

Mr. HARDWICK. I will tell you. The parcel post in the rural sections has not been a success from the country into the town. It has averaged but one package per day.

Mr. BORAH. That is supposed to be the case around the large cities?

Mr. HARDWICK. Yes.

Mr. BORAH. The idea is to get garden contents immediately to the people in the cities?

Mr. HARDWICK. Yes; to see if they could not cut the cost of living to some extent in the great centers of population, where the need is greatest.

Mr. MCKELLAR. Mr. President, I am in favor of this section 7, and I call the attention of the Senate to its provisions. I also want to take issue with my distinguished friend from Utah [Mr. KING] again about the principle involved in it. Several days ago the Senator from Utah opposed another section of the bill. I said it seemed to me then that he was putting himself across the path of progress, and with all due respect to him I believe that that is exactly what he is doing when he opposes this section.

Since that colloquy took place several days ago between the distinguished Senator and myself on this subject I have had occasion further to investigate, and I find upon investigation that the Senator from Utah is now lined up with some other very distinguished authorities in this country. Upon an examination of the Congressional Globe of 1872 and 1873 I find that such men as Senators Anthony, of Rhode Island; Carpenter, of Wisconsin; Chandler, of Michigan; Morrill, of Vermont; Allen G. Thurman, of Ohio; and Senator Tipton, of Nebraska, discussed a similar question in this body, and several of them were on the side the Senator is now taking. The particular question that arose at that time was wireless telegraphy, and I believe all those Senators pursued the matter in the same vein that the Senator from Utah pursues this matter. They laughed at it; they scorned it; they said it was absolutely impossible, and applied many epithets to it, and even quoted poetry about it, just as the Senator from Utah quoted poetry about aircraft two or three days ago on a similar subject. However, since 1873 we have found that those objecting Senators were wrong, just as I think the distinguished Senator is now, and wireless telegraphy is one of the most useful inventions of the present day, notwithstanding their jokes and jibes and opposition.

I think it will be interesting to the Senate; I am not going to read excerpts from the speeches of those gentlemen at that time about wireless telegraphy, but I am going to ask unanimous consent of the Senate to insert some very short excerpts from the debate that took place in the Senate in 1873 on what was then called the Loomis aerial telegraph. I am sure that tomorrow morning Senators will find it very interesting reading, especially when viewed in connection with this and similar provisions in the bill.

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

LOOMIS AERIAL TELEGRAPH CO.

The next bill on the calendar was the bill (H. R. 772) to incorporate the Loomis Aerial Telegraph Co.

Mr. ANTHONY. Mr. President, that bill is reported upon, I believe, adversely; but I saw the Senator (not now in his seat) who had charge of the report, who says that he has no objection to its passage. It is

simply to incorporate a company for an invention of telegraphing. There is a man in this city who thinks he has invented, and some other people think he has invented, a new system of telegraphing which will be much cheaper—I do not know that anything can be more expeditious—than the existing system, and he simply asks for an act of incorporation. I think we had better give it to him.

Mr. FRELINGHUYSEN. What is the scope of it? Is it a charter for the District of Columbia or for the United States?

Mr. ANTHONY. A charter for a company. It is a company to be incorporated, I suppose, to sell the patent right. It is for telegraphing without the intervention of wires, telegraphing without any material communication between the points. I have listened to the inventor's story. I do not wish to repeat it, for I do not think there will be time to do so before we shall adjourn for to-day. I think the scheme is as absurd as anything I ever heard except the invention of Morse. The existing telegraphic invention was, everybody agreed, the most absurd thing that could be conceived. We know what that invention is now, and I am in favor of giving this poor fellow a chance and see if he can do something. I hope the bill will pass.

Mr. FRELINGHUYSEN. Does he live here?

Mr. ANTHONY. Yes; he is a citizen of this District.

Mr. SCOTT. The bill has passed the House.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill.

Mr. THURMAN. I ask that the first section of that bill may be reported again.

The PRESIDING OFFICER. The first section will be read again.

The Chief Clerk read as follows:

"Be it enacted, etc., That Mahlon Loomis, Alexander Elliott, Jr., and William N. Chamberlain, of Washington, D. C.; P. R. Amidon, of Boston, Mass.; and Isiah Lukens, of Delaware, and their associates and successors, are hereby incorporated and made a body politic and corporate by the name of the Loomis Aerial Telegraph Co., and by that name may sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and may have and use a common seal, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation: Provided, That the corporate powers created by this act shall not be exercised by said company within any State except by the consent of the legislature of such State, and under such rules and regulations as such State may prescribe."

Mr. THURMAN. I believe that is the only section that gives any corporate power, and I suggest to my friend from Rhode Island whether it really confers any corporate powers at all.

Mr. CONKLING. It authorizes them to telegraph and be telegraphed to, does it not?

Mr. THURMAN. I do not know what corporate powers are granted by that bill. I wish the Senator from Rhode Island to understand that I am not going to object to the consideration of this bill, because I was understood at the last session to oppose its consideration for which I got blown up by the Senator and also by the promoter of the bill. [Laughter.] And I do not intend to be blown up again. Now, I want to perfect this measure as well as I can, which, I am assured by the promoter of it, the discoverer of some new mode of telegraphing, will enable him to telegraph all around the world without any wires at all, with not the slightest necessity for a cable or anything of that kind. I have not the least objection to his doing it; and if so great a feat as that can be performed, and we have the power to grant an act of incorporation for that purpose, let us see that he has the necessary corporate powers. I am very much inclined to think that the bill does not give him any corporate power whatsoever, except to sue and be sued.

Mr. ANTHONY. Mr. President, does it not give corporate powers in this District?

Mr. THURMAN. Corporate powers to do what?

Mr. ANTHONY. To sue and to be sued.

Mr. THURMAN. Yes; it does that.

Mr. ANTHONY. Well, give him that. [Laughter.]

Mr. THURMAN. Now, I hope my friend is not going to make a jest of genius and undertake to ridicule discovery. I am going to be very careful about it, because I have been charged by my friends here with being opposed to education and I do not know how many things in the last two days. I am going, therefore, for all measures that appertain to education and science, no matter what they are. I am going for this bill; but I want to make the bill perfect.

Mr. ANTHONY. I do not mean to make a jest of it, although I believe, as in the case of nine-tenths or ninety-nine one-hundredths perhaps of all great discoveries, the chances are very much against its success. I believe it was Pope—if I am not right the Senator in the chair can correct me—who said:

"Great wit to madness nearly is allied."

I think there is as reasonable a chance of something coming out of this as there is in the case of most inventions. If this bill does not give him the corporate powers that the corporation ought to have, if the Senator from Ohio will indicate an amendment, I shall be very glad as a friend of the promoter of the enterprise to accept it.

Mr. THURMAN. The Senator does not understand the point. If Congress were to pass an act, or any legislature were to pass an act, declaring A, B, C, D, and E to be a body politic and corporate and were to confer upon them no corporate power except that to sue and be sued, they would have no other power, because an artificial body like a corporation has only such powers as are conferred upon it by its charter. The point that I suggest to my friend is whether there is any power to telegraph across the ocean or around the world by this bill. Is there any machinery for that purpose?

Mr. CARPENTER. Allow me to make a suggestion to the Senator from Ohio. The first section of the bill where it authorizes these persons to sue and to be sued also allows them to telegraph and to be telegraphed to.

Mr. THURMAN. Does it?

Mr. ANTHONY. There is a subsequent section which defines the object of the corporation, and there is a section which allows them to subscribe and enjoy certain capital.

Mr. THURMAN. Let us have that read, because that is as great a curiosity as the other.

Mr. ANTHONY. There is a section that allows them to have capital. I did not know but that there might be some objection to the large amount allowed as an increase of capital. I have no objection to having that stricken out.

Mr. THURMAN. No; I have not the least objection to that. Let that part about utilizing electricity be read.

The Chief Clerk read as follows:

"Sec. 3. That the business and objects of said corporation shall be to develop and utilize the principles and powers of natural electricity, to be used in telegraphing, generating light, heat, and motive power, and otherwise make and operate any machinery run by electricity for any purpose."

Mr. ANTHONY. There is an object.

Mr. TIPTON. Mr. President, I am well satisfied that it is a safe rule to leave to the States everything that can be properly attended to by them, and as no power can be exercised under this charter except by permission of the States I think we have gone far enough, and this is a good time to stop. I object.

Mr. ANTHONY. I wish to appeal to my friend from Nebraska—

Mr. TIPTON. No; I insist on the objection.

The PRESIDING OFFICER. The bill goes over under the objection of the Senator from Nebraska.

LOOMIS AERIAL TELEGRAPH.

Mr. ANTHONY. Now, let us go back to the Loomis aerial telegraph bill, the objection to which the Senator from Nebraska has withdrawn.

The PRESIDING OFFICER. If there be no objection, the Senate will consider, as in Committee of the Whole, the bill (H. R. 772) to incorporate the Loomis Aerial Telegraph Co.

Mr. MORRILL of Vermont. I think this bill is so interesting in its character that the Senate will desire very much to hear it read.

Mr. ANTHONY. It was read yesterday.

Mr. MORRILL of Vermont. I ask that it be read now.

The PRESIDING OFFICER. The bill will be read at length.

The Chief Clerk read the bill.

Mr. MORRILL of Vermont. I ask the chairman of the Committee on Commerce, which reported this bill, to explain something of its character. I see it is entitled an aerial telegraph company, and yet the third section asserts that the chief business and occupation of the corporation shall be to utilize the principles and powers of natural electricity, to be used in telegraphing, generating light, heat, and motive power, and otherwise make and operate any machinery run by electricity for any purpose. I desire to know whether the chairman of the Committee on Commerce has thoroughly studied this subject, so that he has confidence in the results, and whether it is a fit subject for Congress to embark in. I have no doubt he will be able to give us a flood of light on this subject.

Mr. CHANDLER. Mr. President, I am not specially familiar with the subject. My honorable friend the Senator from Rhode Island [Mr. ANTHONY] gave me a great deal of information about it, and I think he is perhaps better advised as to the scientific methods of performing the several acts proposed than anyone else here. I understand that you only have to get up fourteen or fifteen thousand feet above the earth when you can commence telegraphing if you have the instruments; but the precise methods of getting up I have never arrived at. I think my friend from Rhode Island will be able to give the information.

Mr. ANTHONY. This is not a proposition for the Government to embark in anything. It is simply to give an act of incorporation to a scientific man who thinks he has made a great invention; I do not know that he has. If there is anything in the bill itself that is improper, I should like to have it corrected; but if we are to refuse to incorporate a company because we believe they can not accomplish the object they undertake, I think we are embarking into all sorts of business. Yesterday it was complained by the Senator from Ohio that there was nothing for this corporation to do. Now, the Senator from Vermont says there is too much for them to do; they are to generate heat, light, electricity, and run machinery. I think that is considerable for one company.

I do not see anything objectionable in the bill. It is merely to incorporate a few men to do what any one of them can do alone, and if there is nothing objectionable in the bill I hope it will be allowed to pass.

It is very common to laugh down great inventions, or what their originators think are great inventions, and I dare say I join in it myself sometimes; but all great inventions have been illusions to begin with. The most charming of all American poets has said:

"But sneer not thou at those who rise to loftier illusions.

Great truths are oft, the Sage replies, foreshadowed by delusions."

Dr. Loomis thinks he can telegraph without intervention of wires, and he thinks he has made experiments which prove it, and if he can get persons to contribute money to test the question, where is the harm in giving him the opportunity to do it? He asks nothing from the Government.

Mr. THURMAN. Mr. President, a very singular incident once occurred in the Senate of the United States that has often been mentioned as illustrative of, I was going to say, the impudence—but perhaps that is not the proper word—of one of the most distinguished Members this body has ever contained, the Senator from Kentucky, Mr. Clay. He made a speech in which he assailed the Democratic leaders, as he called them, in the Senate, and all the time he spoke he looked at the then Senator from Pennsylvania, who had a certain squint in his eye. That Senator rose to reply to him. After the Senator had stated the fact that he was replying, and was evidently taking the remarks to himself, Mr. Clay rose and said that the Senator was entirely mistaken, that he spoke of "the leaders of the party." The Senator from Pennsylvania was deeply abashed at that remark, and he said, "Why, the Senator looked at me." "There again," said Mr. Clay, "the Senator is entirely mistaken. That was entirely owing to the obliquity of his vision." [Laughter.]

Now, when the Senator from Rhode Island said there was an attempt to laugh this bill out of existence and ridicule it, he looked at me, if I have no obliquity of vision that misled me. I assure him that I am not attempting to laugh his bill out of existence; but if we are to treat it seriously I must say that it does not stand upon any such foundation as any other bill of this kind ever has that has come before the Senate.

The Senator alluded to Morse's invention yesterday. Why, sir, Morse demonstrated in this very Capitol Building, or in the old building, before the eyes of every Senator and Representative who saw fit to look at him, that his invention was a useful invention, that there was nothing imaginary about it. With his wires laid in this very Capitol and with his machinery in operation in the Rotunda of the Capitol, before the eyes of every Senator and Representative in Congress he demonstrated that his was not a visionary scheme; and then Congress did what? Then Congress gave him a small appropriation to try whether it would operate between here and the city of Baltimore; but before that little appropriation of \$30,000 was made he had demonstrated with his instruments and with his wires in this very building in which we stand that it was not an imaginary thing at all, but that it was capable of doing what he claimed it would do.

I do not think that there has been any such demonstration by Mr. Loomis. Mr. Loomis, as I understand, claims that he can telegraph through the air without any wire or cable or anything at all; that just as the earth serves for a conductor with the telegraphic apparatus that we have, so far as the return of electricity is concerned in one direction, so he can dispense with the other wire and make the atmosphere do what

the earth does now. That is his claim; but has he demonstrated it? Has he ever in any instance telegraphed a hundred yards, much less a hundred miles? Not so far as I know; not so far as is shown to us. Still I say I am not going to oppose this bill, although I do think 't is a very singular thing for Congress to pass such a bill without one single experiment, so far as we know, ever having been successful! in this novel mode of telegraphing.

Mr. ANTHONY. If the Senator will allow me, when Mr. Morse demonstrated the feasibility of the electric telegraph we gave him an appropriation. This man does not ask for any appropriation. He asks for facilities to allow other people to test; that is all. I grant freely that it would be very improper, and I would not myself vote for an appropriation to this man for this purpose, but he only asks us to give him such facilities as will enable other people to contribute their money to see if anything can come out of his invention.

Mr. THURMAN. Is that all we propose to do? The Congress of the United States are asked to grant a solemn charter which really I can not understand, for it does not provide that he shall set up any telegraph anywhere, or maintain any telegraph line anywhere, and gives him no authority to establish telegraph lines anywhere; but we are asked to pass this charter—for what purpose?

Mr. ANTHONY. To test the experiment; nothing more.

Mr. THURMAN. To test the experiment. Well, I do not know that a charter is necessary in order to enable him to do that; but, as I said yesterday, I am not going to oppose the bill. I shall not vote against it, but I can not vote for it; and I really do fear it would be making Congress a little bit ridiculous to grant a solemn charter providing for \$2,000,000 of capital to test an experiment which, if it is feasible, ought to have been tested long ago.

Mr. CAMERON. I think this bill has already interrupted the regular business too long, and I therefore object to its consideration unless we can get a vote at once upon it.

The PRESIDING OFFICER. The Chair is of the opinion that the Senator is too late in making his objection to the bill.

Mr. CAMERON. I think not. I have very good authority for believing not.

The PRESIDING OFFICER. A motion to postpone would be in order.

Mr. CAMERON. I do not wish to make that motion.

Mr. ANTHONY. I do not want the Senator from Pennsylvania to object, and I hope he will not; but I am bound to say that according to the manner in which this rule has been administered an objection made at any time during the progress of a bill is in order. I made one myself the other day after a debate had been going on for two hours on a bill. I hope the Senator will not object, however, but will let us take a vote upon it.

Mr. CAMERON. I have no objection to that.

Mr. ANTHONY. Still, if the Senator objects he has a right to do so, and it is in order.

Mr. CAMERON. I shall not insist on the objection if we can have a vote; but if there is to be further discussion I shall object.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. TIPTON. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and being taken, resulted—yeas 29, nays 12; as follows:

Yea.—Messrs. Alcorn, Anthony, Boreman, Buckingham, Cameron, Chandler, Cole, Corbett, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Gilbert, Harlan, Hitchcock, Kelly, Machen, Morton, Pratt, Ramsey, Ransom, Sawyer, Sherman, Stevenson, Stewart, Vickers, West, and Wilson—29.

Nays.—Messrs. Ames, Casserly, Ferry of Connecticut, Hamilton of Texas, Hamlin, Howe, Morrill of Maine, Morrill of Vermont, Robertson, Saulsbury, Tipton, and Trumbull—12.

Absent.—Messrs. Bayard, Blair, Brownlow, Caldwell, Carpenter, Clayton, Conkling, Cooper, Cragin, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Hill, Johnston, Kellogg, Lewis, Logan, Norwood, Nye, Osborn, Patterson, Pomeroy, Pool, Rice, Schurz, Scott, Spencer, Sprague, Stockton, Sumner, Thurman, Windom, and Wright—33.

So the bill was passed.

Mr. MCKELLAR. This section of the bill provides for an experiment upon a vital thing to the people of this country, to wit, transportation facilities around the cities. There is not a more vital internal proposition before the American people today than transportation, and especially the transportation from producer to consumer. A comparatively small appropriation is made in this bill to try out this method of transportation.

Mr. KING. Will the Senator yield?

Mr. MCKELLAR. I will in just a moment. I believe it is going to work for good. I believe the experiment will be a success. I believe it is a progressive step. I believe this kind of transportation will help solve the problems that are now before us on the subject of transportation. Surely there can not be any large loss, and I see no reason why the amendment should not be adopted. I now yield to the Senator from Utah.

Mr. KING. In my own time I will take the floor.

Mr. MCKELLAR. I shall not pursue the matter further. I rose for the purpose of first defending the proposition of the committee and in the second place to call the attention of the Senate to the progressive feature of this provision of the bill. The provision is in the right direction. It is a matter that we ought to experiment about and that we ought to know about. We ought to know whether it is a feasible and economical method of transporting goods directly from the producer to the consumer, and after a careful trial if it is found economical we ought to adopt it. I believe the time will come when it will be in general use along the lines the Senator from Utah has argued that it could be used, if at all. I hope the Senate will adopt this provision.

Mr. GALLINGER. Mr. President, a few minutes ago I suggested the showing the Postmaster General had made was fallacious, inasmuch as he did not differentiate between the income derived from the transportation of mails and the transportation

of farm products. For instance, if the mail had not been transported in these trucks it would have been transported either by rural delivery carriers or star route, without any added expense to the Government.

I move to amend the amendment after the word "date," in line 9, page 30, to add the following words, where it is provided that the Postmaster General shall make a report to Congress:

Separately stating the income derived from the transportation of mail and the transportation of farm products.

Mr. HARDWICK. I do not see any particular objection to that amendment. I think it is all right.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. After the amendment that has just been adopted I move to insert a proviso as follows:

Provided, That in establishing the routes the Postmaster General shall distribute the routes equitably among the several States.

Mr. HARDWICK. That is all right. The committee has no objection to that, as far as I am concerned.

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, the Senator from Tennessee [Mr. McKELLAR] says that this is an experiment; that if it proves to be unprofitable to the Government, doubtless it will be abandoned. Obviously it is bound to be profitable. According to the plans which have been proposed to establish these truck routes between the cities indicated, as I said a moment ago, it can not result other than in a profit. The jitney bus is profitable between given points within the thickly congested parts of the city, but when it continues its operations into the rural districts it is unprofitable. There is no necessity of an experiment. The figures submitted by the Postmaster General indicate that between here and Baltimore and between Philadelphia and New York there is a profit.

So if it is an experiment, as I said a moment ago, there is no necessity of making a further appropriation. Obviously if we are to experiment in an extensive way in the rural districts, \$100,000 is inadequate. We know that to carry freight between rural districts and to convey the farm products of all the farmers to the point of consumption at rates anywhere reasonable there must be a loss. The appropriation is insufficient for rural experiments and to meet losses, and as it is unnecessary to experiment between points when it is seen to prove profitable, then it would seem to me, Mr. President, that there is no necessity of making this appropriation.

I do not agree with the deduction drawn by the Senator from Tennessee with respect to my opposition the other day to the provision of the bill relating to carrying the mail by aeroplanes. I was not opposed at the proper time to the utilization of aircraft for all legitimate purposes. I did oppose, and I oppose now, the appropriation of a single dollar for the building of aircraft to carry mail in the United States while the war is on. While we do not have an adequate supply of aircraft for our soldiers to fight with across the sea, I think it is an absurd Utopian scheme to talk now about establishing mail routes across the continent or between here and New York and carrying mail by airplanes.

Mr. McKELLAR. Will the Senator yield?

Mr. KING. Let me complete the thought I have in my mind. I noticed in a number of papers that already the routes have been surveyed across the continent and stations located, if not established, at various points between the Atlantic and the Pacific coasts. Who has authorized the establishment of routes and stations from the Atlantic to the Pacific and from the Gulf to the Canadian border? Where is the appropriation for such purpose?

Mr. HARDWICK. The last appropriation bill carried an appropriation of \$100,000.

Mr. KING. For what?

Mr. HARDWICK. For airplane mail service.

Mr. McKELLAR. The same as in this bill.

Mr. KING. I did not make myself clear. I understand that there was an appropriation of \$100,000 heretofore made for airplane service, but the question that I intended to ask—probably it was my infirmity in expressing myself—was, Who authorized the Post Office Department or anybody else to establish stations from the Atlantic to the Pacific for airplane routes and stations for airplanes?

Mr. HARDWICK. That was exactly the object of the appropriation of \$100,000, to do whatever they could within the limits of that amount to establish an airplane system.

Mr. KING. Does the Senator say the \$100,000 was for the purpose of acquiring fields and stations and for establishing routes across the continent?

Mr. HARDWICK. I think that could be deduced as one of the purposes.

Mr. KING. Mr. President, I did not so understand the other day, from the statement made by Senators who discussed this bill, that the appropriation was for that purpose. I understood that the appropriation of \$100,000 was for the purchase of machines and for experimental work between here and New York or, as one of the Senators said, in Alaska.

Mr. HARDWICK. Some experiment was made in Alaska and some here; but there was no such limit as that expressed in the law. It was merely for aeroplane service anywhere in the United States. Of course, I think that would include the preparation of stations and the laying out of routes. The language was broad enough to do that.

Mr. McKELLAR. Will the Senator yield?

Mr. KING. I yield.

Mr. McKELLAR. The Senator understands that the kind of aeroplanes to be used in this service are wholly different from anything that can possibly be used in the battle front?

Mr. KING. I think the perfection of aircraft in this country has not reached that point where it would be wise or prudent to embark upon the policy of carrying mail by means of aircraft.

Mr. GALLINGER. Mr. President—

Mr. KING. I yield to the Senator.

Mr. GALLINGER. Does it occur to the Senator that possibly when we get around to the appropriation bill next year we will provide for carrying garden truck by aeroplane or motor truck?

Mr. KING. I am not sure what will be recommended by the officials of the Government. When some persons get into office and get a bureau established they want to aggrandize that bureau and make it so potential for good, but it is often for evil, that the most extravagant, absurd, of Utopian schemes are proposed and Congress is asked to ratify the propositions and make great appropriations to carry them into effect.

Mr. McKELLAR. If the Senator will yield to me to reply to the Senator from New Hampshire—

Mr. KING. I yield.

Mr. McKELLAR. I do not think if the question was answered in the affirmative it would be any more unusual or remarkable than the result has been in regard to wireless telegraphy, about which various Senators in this body laughed very heartily in 1873. They laughed about that in the same way they are now laughing about the use of the aeroplane service of this date.

Mr. HARDWICK. If the Senator will pardon me, the same sort of laughter was used when we established the Rural Delivery System.

Mr. McKELLAR. Precisely the same, and in every progressive service the Government has established.

Mr. GALLINGER. Assuming that to be true, then no proposition that is labeled "progress" should be opposed in this body.

Mr. McKELLAR. Oh, no.

Mr. GALLINGER. I quite agree with the Senator from Tennessee that it is possible to convey garden truck by aeroplane. I am not fearing the possibility of ever doing that, but I merely suggested if these motor trucks should not succeed as well as hoped for, probably the next experiment would be that it should be increased on the ground of progress, and they will try the aeroplane. But I agree with the Senator from Utah we had better take care of our soldiers, so far as that is concerned, before we go to carrying mail between here and New York by aeroplane.

Mr. KING. I do not want my good friend from Tennessee to put me in a false light, and I know he would not intentionally.

Mr. McKELLAR. Of course I would not.

Mr. KING. I do not oppose the proposition that at the appropriate time experiments shall be made with aircraft for use in carrying the mail. What I objected to the other day, and when the question shall come up for consideration again I shall object to it then as strenuously as I did last week, was to the making of an appropriation now for experimental purposes in carrying mails by aircraft. This morning's paper chronicles the fact that the Bristol plane that we had expected so much of is perhaps a failure. With all the appropriations we have made, and with the demands which are so imperative for aircraft to fight across the sea, we have been unable to supply the troops we have sent to Europe.

I am not now placing the blame upon anybody. I merely state that we understood that by this time our country was to have constructed thousands of fighting planes for use upon the battle fields where our soldiers and our allies are so bravely fighting for liberty and for the life of free peoples. We have, however, built but a few.

Mr. SMITH of Georgia. We have not shipped any that have arrived there.

Mr. KING. The distinguished Senator from Georgia, a member now of the Military Affairs Committee, says we have not shipped any that have arrived there.

Mr. SMITH of Georgia. I refer to fighting planes. We have shipped one or two, but we have no report that either of those two fighting planes has yet reached France.

Mr. KING. Mr. President, we are now engaged in fighting the greatest war of all time. It is a struggle between democracy and the cruelest and most brutal nation developed in modern times. We are fighting for our Nation's life and for the liberties of many peoples. This war requires all of our attention. We need billions of dollars for the prosecution of the war. We may have difficulty in raising the amount of money to meet the stupendous and staggering appropriations that will be demanded for the current year. I do not mean that there will be a lack of patriotism or any unwillingness to make sacrifices by the people. But the demands for the war will be so enormous it will tax the resources of the people. The savings of the people are limited, and only from them will the money come for taxes and for loans.

Mr. GALLINGER. Mr. President—

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator from Utah doubtless has observed that while \$980,000,000 have already been appropriated for airplanes, the modest sum of \$1,000,000,000 in addition is now asked for by the department.

Mr. KING. I recall what the Senator from New Hampshire states to be the fact. Mr. President, we know that we shall have to increase the taxes, for the fiscal year of 1919, 50 per cent, at least, in excess of what they were for the fiscal year 1918. We will be compelled to cut to the bone in order to raise six or seven billion dollars by taxation. That will perhaps not be more than 33 per cent of the amount that will be required to meet the expenditures for the year 1919. It requires, therefore, utmost economy. Every dollar which we appropriate should be scrutinized and not one cent should be appropriated for any purpose that is not imperatively demanded. I know that a hundred thousand dollars here and a million dollars there, or a few millions, seem to be inconsequential measured by the great torrent of appropriations demanded and the great floods of appropriations which are made; but when we go into the realm of experimentation now, no matter how useful the purpose may be, how utilitarian the scheme may be, it is unwise. Let us conserve our resources; conserve our energies, not diffuse our power and diffuse our energies; let us concentrate everything to the one end of winning this war, to beating down Prussian militarism. Cato of old closed every speech by saying, "Delenda est Carthago." Our every thought now must be, "Prussian autocracy must be destroyed," and every plan desired must look to the defeat of our deadly foe.

Every dollar will be required to carry on this war and to meet the heavy exactions that are made upon this Government. I am not opposed at the proper time to appropriating for the purpose of experimenting with aircraft as an instrumentality for the carrying of mails, but the experiences we have had to date in building aircraft have been so tragic and disappointing, it seems to me that the plan of using airplanes for the carrying of the mails at the present time is improper and absurd.

With the developments that will flow from the war, with the individual inventions that are being made, when the war is over we shall know something about aircraft and be in a position to utilize them in many ways. Let us spend our money, devote sufficient of our resources and our inventive genius, in devising aircraft for fighting purposes instead of following some chimerical scheme that needs time and improvement to make it of value.

But, to come back to the question before the Senate now for consideration, Mr. President, of course it is important to get the products of the farm to the ultimate consumer. It is important to have the cotton planter get his cotton to market as cheaply as possible, and for the woolgrower to have his wool brought to market with as little expense as possible. The farmer who grows wheat and produces other agricultural crops is interested in having his agricultural products carried to the centers of consumption with as little cost as possible. What does that argue? It would seem that the Senator from Tennessee [Mr. MCKELLAR] draws the conclusion that the Government must embark upon the business of carrying the products of the farm and the field, of the mine and the smelter, and of the mill, to the ultimate consumer.

I grant that the Government, with an overflowing Treasury, with its tremendous powers, can engage in the business of building and operating railroads, interurban or otherwise, steamship lines, motor trucks, and all other instrumentalities for transportation, and can perform the duties of a common carrier; but does that mean that in the long run it will be beneficial to the people? Does that argue that the Government will

do it cheaper than individuals will? It argues, of course, that if the Government does it, it drives individuals out of the market; if the Government engages in railroading, private individuals will not; if the Government engages in carrying the products of the farm and the mill and the mine from the producer to the consumer, individuals will not. Everybody knows that whatever the Government undertakes it costs more than if private individuals performed the same work. It has been conceded that the statement of the former distinguished Senator from Rhode Island, Mr. Aldrich, now deceased, was correct when he remarked that the work of the Government, if it were in the hands of private individuals, could be done annually for \$300,000,000 less than what it was costing the Government. It is recognized that when the Government undertakes the prosecution of work the expense of doing it is enormous; that it is greatly in excess of the cost of the same work if it were done by private individuals.

Take it in the prosecution of the war. Whatever the Government touches, as if by magic the prices rise and the cost to the Government of constructing anything is infinitely greater than if it were constructed by private individuals. We shall find that the Government in the operation of railroads, as was said by the distinguished Senator from New Hampshire [Mr. GALLINGER], will lose money; that is to say, it will cost more to the people, and there will not be corresponding benefits. Already we are reading in the newspapers that the loss to the Government is very great; that it was over fifty millions of dollars last month, and there will be millions of loss this month, notwithstanding the economies that have been put into operation by the Director General of the Railroads.

I concede that it is something to be desired by the producer to have some agency come to his door and carry to market all of his surplus products; it may result temporarily in benefit to the producer and to the consumer, but in the long run, when the system is put into operation, when it becomes coextensive with the territorial boundaries of the Nation, it will be found that the cost of operating this system is infinitely greater than the cost would be if the transportation instrumentalities were left in the hands of private individuals. Europe has demonstrated that.

It is easy to make an appeal now, when we are at war, for governmental control of all things, and an appeal will not fall upon deaf ears; it is as a siren voice sounding sweet to the ear to say, "Why not have the Government solve this question of transportation by going out to the farmers, gathering up the farmers' products, and carrying them into the cities, where they can be consumed by the people?"

But those who so speak do not present to us the other side of the picture. They do not tell of governmental inefficiency, of the increased cost which the taxpayer must pay, of the evils of bureaucracy, of increased officeholders, so that in the end we will have but two classes—those who hold office and those who toil for them.

They do not tell us of the perils that will result to our Government, of the evils flowing from a consolidation of all powers in the Federal Government, of the condition that will follow the loss by the States of their prerogatives, and the incalculable harm that must follow the destruction of the spirit of independence and self-effort flowing from a tyrannous paternalism or an oppressive socialism. If we establish lines between Washington and Baltimore, then we must establish them everywhere in this broad land. We can not discriminate. When we let the camel put its nose inside the building, the entire body will be forced into the room. If the Government enters upon the plan of transporting the people's products, soon there will be no private transportation companies, no private enterprises devoted to this important business. Little by little the Government will crowd out private enterprise and assume the functions of the States and the duties of the citizens. When this is accomplished there will be no Republic, our Government will have been destroyed.

Mr. SMITH of Georgia. Mr. President, during the remarks of the Senator from Utah [Mr. KING], I interrupted him; and, in order that there may be no inaccuracy in the statement, I wish to say that during last month one fighting airplane started to France. Within the past few days several others have started. Up to the latter part of last week no report had been received of the arrival of the first fighting airplane. I do not mean by that statement to question the fact that a number of practice planes and observation planes have been sent from the United States abroad. I wish thus clearly to differentiate between the fighting planes, the observation planes, and the practice planes.

Mr. President, under the circumstances I feel that all of the energy of the United States with reference to flying machines ought to be devoted to supplying machines for use on the battle

field. I feel that it would be a mistake to adopt section 8. If we were not at war, and our Government desired to experiment with some flying machines for the purpose of transporting mail, I would not object; but now I do not think that any attention should be given to flying machines for mail carriage, but that every energy in the direction of the construction of flying machines should be devoted to preparations for war.

What I wished to refer to really was section 7. I was on the Committee on Post Offices and Post Roads when the parcel post was adopted, and I know we all hoped then, and believed then, that the adoption of the parcel post would bring the rural sections and the cities of this country closer together; that it would furnish better markets to the farmers and better food supplies to the people in the cities. I can see no possible objection to this provision.

I understand the argument made by the Senator from Utah [Mr. KIRK], that if the camel's nose got inside the tent, soon the body would be there. That argument was presented to us as an objection to any kind of parcel-post legislation. I believe in the parcel post. Mr. President, in the cities of our land we find a dense population, especially at this time. We find it very difficult to obtain readily and at fair prices small products that grow upon the farms within 25 and 50 miles of our great cities and within 25 miles of our smaller cities.

The Senator from Utah says that this should be left to private undertaking. We have been leaving it there for a century, and private enterprise has not met the demand. Instead of unified private organization to carry the products of the many farmers to our cities, each man, with his little peddling wagon, comes in at great loss, with slow time, and with unsystematic delivery, with waste to the farmer and unnecessary consumption of the money of the man who is to use his supplies. There has never been an organized effort to handle this question, and this proposition is that a small amount of money be used by the Post Office Department to begin a system of delivery of those things so essential to the health of the people in the cities, so essential to the humble and poorer classes. I believe that by this system the Government can bring within the reach of the poorer classes in the cities vast quantities of most healthful food at prices cheaper than bread; I believe it can relieve the demand for bread and flour; I believe it can help us substantially in meeting the demand for food supplies required during the war. It will stimulate the small farmer and add to his profits; it will supply the consumer in the city and lessen his cost.

Mr. VARDAMAN. And give him fresh, pure food.

Mr. SMITH of Georgia. And, as the Senator from Mississippi says, guarantee to him fresh and wholesome food. I cordially command section 7 and shall vote for it with a great deal of pleasure.

The VICE PRESIDENT. The question is on the amendment incorporated by the committee as section 7.

Mr. VARDAMAN. On that I ask for the yeas and nays.

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

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. He requested me to observe the pair during his absence. I therefore withhold my vote.

Mr. FERNALD (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. As he is not present, I withhold my vote.

Mr. JONES of Washington (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent for the day. I am paired with him for the day. I understand if he were present that he would vote as I intend to vote on this amendment, and therefore I feel at liberty to vote and vote "yea."

Mr. LENROOT (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. GUION]. I understand, however, that I am at liberty to vote on this amendment, and I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I understand that, if present, he would vote as I expect to vote. Therefore I feel at liberty to vote, and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the Senator from North Dakota [Mr. McCUMBER], who is absent from the Chamber. In his absence I withhold my vote; but I ask to be counted for a quorum.

Mr. WALSH (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Virginia [Mr. SWANSON] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the senior Senator from Wyoming [Mr. WARREN] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. MARTIN. I announce the absence of my colleague [Mr. SWANSON], who is necessarily detained from the Senate.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

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

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

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

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Delaware [Mr. WOLCOTT] with the Senator from Indiana [Mr. WATSON];

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

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

Mr. CALDER. I transfer my pair with the junior Senator from Rhode Island [Mr. GERRY] to the junior Senator from New Jersey [Mr. BAIRD] and vote "nay."

Mr. DILLINGHAM. Owing to the absence of the Senator from Maryland [Mr. SMITH], with whom I have a general pair, I withhold my vote.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. KIRBY. I wish to announce that my colleague [Mr. ROBINSON] is necessarily absent on public business. If present, he would vote "yea."

The result was announced—yeas 42, nays 9, as follows:

YEAS—42.

Bankhead	Hitchcock	Norris	Sutherland
Beckham	Hollis	Nugent	Thompson
Borah	Johnson, Cal.	Overman	Townsend
Chamberlain	Jones, Wash.	Page	Trammell
Culberson	Kirby	Poindexter	Vardaman
Curtis	Knox	Ransdell	Walsh
Fletcher	Lenroot	Saulsbury	Weeks
France	Lewis	Shafroth	Wilfley
Hale	McKellar	Sheppard	Williams
Hardwick	McNary	Sherman	
Henderson	Martin	Smith, Ga.	

NAYS—9.

Calder	King	New	Sterling
Gallinger	Lodge	Smoot	Wadsworth
Kenyon			

NOT VOTING—45.

Ashurst	Gronna	Nelson	Smith, Mich.
Baird	Gulon	Owen	Smith, S. C.
Brandegee	Harding	Penrose	Swanson
Colt	James	Phelan	Thomas
Cummins	Johnson, S. Dak.	Pittman	Tillman
Dillingham	Jones, N. Mex.	Pomerene	Underwood
Fall	Kellogg	Reed	Watson
Fernald	Kendrick	Robinson	Watson
Frelinghuysen	La Follette	Shields	Wolcott
Gerry	McCumber	Simmons	
Goff	McLean	Smith, Ariz.	
Gore	Myers	Smith, Md.	

So the amendment was agreed to.

Mr. BANKHEAD. I ask to return to the provision at the top of page 17, commencing in line 1 and going down to and including line 14. This is the provision on airplane mail service, and I wish to dispose of it.

Mr. President, when we had this provision of the bill under consideration some days ago it was suggested that we pass it over with a view of getting some information from the Post Office Department. I wrote to the department and asked for the information which it appeared the Senate wanted and which I think they were entitled to have. I have a letter—

Mr. THOMAS. Before the Senator refers to the letter, may I ask him whether we did not pass a bill a few days ago relating to this identical subject—a bill offered by the Senator from Texas [Mr. SHEPPARD]?

Mr. BANKHEAD. I do not remember as to that.

Mr. VARDAMAN. We passed a bill authorizing a charge of 24 cents an ounce for mail carried by airplanes.

Mr. BANKHEAD. We passed that; but that is not the same as this provision.

Mr. THOMAS. It is supplemental to it, I apprehend.

Mr. BANKHEAD. Mr. President, I am going to ask the Secretary to read the letter to which I have referred; and when it has been read, so far as I am concerned, I am ready to vote. The letter contains all the information, I presume, that can be had on the subject. I am entirely willing that the Senate should decide whether or not they want this provision to remain in the bill. I ask the Secretary to read the letter.

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

The SECRETARY. The amendment of the committee is, on page 17, line 11, after the word "determine," to insert the following proviso:

Provided further, That the Postmaster General, in his discretion, may fix the amount of postage on mail carried by aeroplane at not exceeding 24 cents an ounce or fraction thereof.

The VICE PRESIDENT. The Secretary will read the letter as requested.

The Secretary read the letter, as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 9, 1918.

HON. JOHN BANKHEAD,
United States Senate.

MY DEAR SENATOR BANKHEAD: The item in the Post Office appropriation bill authorizing the expenditure out of the appropriation for "inland transportation by steamboats or other power boats or by aeroplanes" of the sum of \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service seeks to repeat the authorization carried in the appropriation act for the fiscal year ending June 30, 1918. Practically all of this appropriation has been expended, a part in the purchase of aeroplanes, spare parts, and hangars, and putting in condition landing fields for the aerial mail service.

In 1916 the Post Office Department was informed that an aeroplane passenger and express service would be established in Alaska, and inquiry was made whether arrangements could be perfected for carrying the mail by aeroplane in that territory. Accordingly, bids were invited for aerial mail transportation in Alaska, but no results were obtained. The parties who had expected to introduce this service in Alaska assigned for the reason that the aeroplanes at that time were not sufficiently high powered, nor reliable enough, to cope with the weather conditions in that territory.

The appropriation of \$100,000 available during the current fiscal year enabled the Post Office Department to enter upon the work of inaugurating its present aerial mail program. This is the first money expended by the Post Office Department for aeroplane service, it being the first appropriation by Congress. Heretofore Congress had not appropriated money, but had permitted aeroplane service by contract under the appropriation for inland transportation by steamboats or other power boats or aeroplanes. The experiments in carrying mail by aeroplane in the past have been purely voluntary by fliers and have not cost the Government any money. The results, however, are not satisfactory, as they give no indication of the ability to maintain a daily service.

Construction of aeroplanes, and specially of aeroplane motors, has reached such development as to make it reasonably certain that a daily dependable aerial mail service can be maintained. The department is advised that Italy has already established such a service, which is so successful that it is being rapidly extended in that country. In developing its aerial mail program, the Post Office Department conferred with the National Advisory Committee for Aeronautics, with the Aircraft Board, and with the War Department. All of these Government agencies approved the proposal of the Post Office Department to enter upon the operation of its aerial mail service at this time, and the release to manufacturers of the necessary equipment for the service was given, as the problems which the operation of a daily aerial mail service will help to solve, and the cross-country training it will give to aviators is regarded as being distinctly helpful to the Government air-service program.

On March 21, 1918, the National Advisory Committee for Aeronautics addressed the following letter to the Secretary of War on the subject of the aerial mail service:

"NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
Washington, D. C., March 21, 1918.

"The honorable the SECRETARY OF WAR,
Washington, D. C.

"DEAR SIR: I have the honor to transmit herewith copy of a resolution adopted by the executive committee of the National Advisory Committee for Aeronautics on March 15, 1918, recommending cooperation between the Aviation Service of the Signal Corps and the Post Office Department in the experimental development of an aerial mail service between Washington, Philadelphia, and New York. Congress authorized the Post Office Department to establish such an experimental service and made an appropriation of \$100,000 for the purpose.

"Under existing conditions practically all aircraft manufacturing facilities are being utilized by the War and Navy Departments, and all capable aviators are in the service of these departments. In view of the further fact that it is exceedingly desirable that Army aviators be regularly and systematically trained in long-distance flying, it would appear to be to the advantage of the Government and of the War Department that military airplanes and aviators be used to render practical and effective service to the Nation in the manner proposed. It was with this in view, and after careful consideration, that the committee passed the following resolution:

"Resolved, That the National Advisory Committee for Aeronautics recommends to the Secretary of War that, if practicable, active cooperation be established between the Aviation Service of the Signal Corps and the Post Office Department in connection with the proposed experimental aerial mail service between Washington, Philadelphia, and New York."

"Respectfully,

CHARLES D. WALCOTT,
Chairman Executive Committee."

So well did the Post Office project appear to lend itself to war training plans that the Signal Corps offered to weave the Aerial Postal Service into its training work and furnish the planes, mechanics, and fliers for

the route between Washington and New York. In a memorandum dated March 1, from the Chief Signal Officer to all divisions of the Signal Corps, it is announced: "The Signal Corps is interested in this project (operating aerial mail service), because of the experience it will give pilots in cross-country flying and will give an opportunity to make endurance tests in actual service."

The service between New York and Boston will be operated with aeroplanes purchased and maintained by the Post Office Department for that purpose out of the appropriation for the current fiscal year. Six machines and duplicate parts were purchased as the result of advertisements inviting competitive bids. Those purchased, together with the acquirement of hangars and the preparation of landing fields, and other equipment in connection with the Aerial Mail Service and its operation until June 30, 1918, will consume approximately the entire appropriation.

A great advancement in the mails will result from the route between New York and Washington. Besides accomplishing the delivery of letters on every carrier delivery in New York City and by immediate-delivery service in Washington on the same afternoon that the letter is mailed from either terminus or from Philadelphia, connections are made at New York for the larger cities in Pennsylvania, Delaware, and New Jersey; at Washington for Pittsburgh, Cincinnati, St. Louis, and intermediate points; and Charlotte (N. C.), Atlanta, and Birmingham, and intermediate points. Important connections are also made at Philadelphia. In order to have made these connections by railroad it would have been necessary to have had a letter in the post office in time to leave on the 8 o'clock morning trains.

The aeroplanes to operate the Washington, Philadelphia, and New York route I am advised have been set up by the Signal Corps at Mineola, N. Y., and that branch of the War Department will be ready to operate this route on May 15.

Sincerely yours,

A. S. BURLESON,
Postmaster General.

Mr. BANKHEAD. Mr. President, I believe the question before the Senate now is the motion of the Senator from Utah [Mr. KING] to strike out, beginning with line 7, down to and including line 14. I should like to have the Secretary read the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17 it is proposed to strike out all of lines 7, 8, 9, 10, and 11 and to disagree to the proposed amendment of the committee. Lines 7, 8, 9, 10, and 11 read:

That out of this appropriation the Postmaster General is authorized to expend not exceeding \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

And the committee proposed amendment follows:

Provided further, That the Postmaster General, in his discretion, may fix the amount of postage on mail carried by aeroplane at not exceeding 24 cents an ounce or fraction thereof.

The VICE PRESIDENT. The Chair understands that there is no objection to the amendment if the provision is to stay in. The Senate has already passed a bill like it. Without objection, the amendment is agreed to. Now, the Senator from Utah—

Mr. BANKHEAD. Oh, no, Mr. President. Does the Chair mean the amendment of the Senator from Utah?

The VICE PRESIDENT. No; the Chair means the committee amendment.

Mr. BANKHEAD. Oh, yes. There is no objection to that.

The VICE PRESIDENT. Now, the Senator from Utah proposes to strike out the whole thing.

Mr. BANKHEAD. Mr. President, I call the attention of the Secretary to the fact that the motion of the Senator from Utah includes two words on line 5: "*Provided further*." They ought to come out. So far as I am concerned, I am ready to vote.

Mr. HARDWICK. Mr. President, as I remember, the Senator's motion also includes the words "or by airplanes" in line 2.

Mr. KING. Yes; that is correct.

Mr. HARDWICK. Before the vote is taken—I think the matter has been discussed sufficiently—there is at the desk a telegram from the Aero Club of America on this subject, and I think it might as well be read.

Mr. WEEKS. It has been read.

Mr. HARDWICK. Oh, no; not that telegram. It is the concluding telegram, at the end of the communication of the Postmaster General. His letter contains some resolutions adopted by the National Defense Committee on Aeronautics. This is another proposition.

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

The Secretary read as follows:

NEW YORK, May 8, 1918.

Mr. W. H. L. HOWARD,
Secretary National Aerial Coast Patrol Commission,
Washington, D. C.

Necessity great of having the appropriation for mail carrying by aeroplanes increased to \$500,000. Present appropriation is not large enough to pay cost of running mail line for one year and establish two additional lines to give advance cross-country flying training to military aviators who will pilot the postal aeroplanes. It is absolutely necessary that this cross-country flying training be given to our aviators before sending them overseas, and while getting this training their services can be utilized to carry mail. Had we done this in the past two years we would have had several hundred fully trained aviators to send to France upon our entry in the war, which would have given a sufficient balance of power to insure aerial supremacy to the allies. The least that we can do now at this critical time is not to make this

same mistake again. The machines to be used for carrying mail will afford training to military pilots which, so far, they have not gotten in any other way. France, Italy, and England use aeroplanes for mail carrying to hasten delivery of military correspondence.

Cordially,

ALAN R. HAWLEY,
President Aero Club of America.

Mr. SMOOT. Mr. President, I doubt very much whether the President of the Aero Club of America has had his attention called to section 8 of this bill. If he had I hardly think he would have thought it necessary to ask for the \$500,000.

I want to call the attention of the Senate to section 8 in connection with the matter now before the Senate:

SEC. 8. That the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department.

In other words, Mr. President, it seems from this section that whenever any part of an aeroplane becomes obsolete and the War Department can not use it, or any airplane breaks down and proves unfit for the use of the War Department, it is to be turned over to the Post Office Department.

Mr. GALLINGER. In other words, if the Senator will permit me, they can unload their junk on the Post Office Department.

Mr. SMOOT. The employees of the Post Office Department who may be assigned to carry mail by aeroplane must carry it in aeroplanes or automobiles that have been discarded by the War Department, and they can take their chances as to whether they can get to their destination or not.

Mr. THOMAS. Mr. President, if the Senator will permit me to interrupt him—

Mr. SMOOT. Yes.

Mr. THOMAS. Of course, the Senator has noticed that the expression is "unsuitable for the purposes of the War Department."

Mr. SMOOT. Yes.

Mr. THOMAS. That does not necessarily mean that the airplanes and automobiles to be turned over are junk. The planes suitable for war purposes are changing every week or so and giving way to some improvement for that purpose. For example, within the last six months, I think, the little Nieuport fighter was a machine which appeared to be the last thing in fighting airplanes. It is now obsolete. That occurs with reference to other types; and I think the purpose of this section is to make machines perfectly suitable for the transportation of the mail, but unsuitable for war purposes, subject to the disposition of the Post Office Department.

Mr. SMOOT. The little fighting machine of which the Senator speaks will never be suitable for carrying the mail.

Mr. THOMAS. The Senator misunderstands me. I mentioned that merely by way of illustration. Of course, it is good for nothing for that purpose; but there are other planes that would be serviceable for the purpose, suitable perhaps to-day for war purposes, which three months from now would be obsolete for war purposes.

Mr. SMOOT. Mr. President, I think that whenever the War Department turns them over they will be obsolete for almost every purpose; or, in other words, there will have been improvements made upon the airplanes such as will justify the scrapping of all that they undertake to turn over to the Post Office Department. That is all that I can see that will come from section 8. I simply call attention to it now, not with an idea of having the Senate pass upon the amendment that is before the Senate with that in view, but in answer to the telegram from the president of the Aero Club of America that was read here from the desk.

Mr. President, I do not think there are any Senators who would object to carrying mail by aeroplanes if they thought it would be of advantage to our country, or that the time had arrived when the airplane had reached such a period of perfection that the service could be rendered successfully and approaching the cost to the Government; but at a time when we are straining every nerve possible to secure airplanes for the use of our Army in France, and every one of them that is produced may mean the preservation of the lives of hundreds of our soldiers, it does seem to me that we could at least forego this experiment for another year. That is the only reason why I call attention to this matter at this time.

Mr. BANKHEAD. Mr. President, will the Senator excuse me a moment?

Mr. SMOOT. Yes.

Mr. BANKHEAD. If the motion of the Senator from Utah prevails, and this appropriation is stricken out, section 8 may as well go out, too.

Mr. SMOOT. I think that is true.

Mr. KING. Yes.

Mr. BANKHEAD. Let us dispose of this, and then come to section 8.

Mr. SMOOT. So far as that is concerned, it seems to me that both sections are related. I wanted to call attention to the fact that if the Post Office Department is going into this business, the Post Office Department ought to have the very best planes that can be made in the world; and unless they do, not only is life jeopardized but the success of the project itself is jeopardized.

Mr. HARDWICK. Mr. President, let me suggest this to the Senator: The Senator from Utah moves to strike out, on line 2, the words "or by airplanes."

Mr. SMOOT. Yes.

Mr. HARDWICK. Now, as the Senator has heard, we already have six of these machines, just recently manufactured for the department. Other legislation than this bill provides for this service between here and New York, via Philadelphia; and I am afraid that if all of the Senator's motion were to prevail we would be left with these airplanes on our hands, and without any money to operate them even if we are to build or to buy no further airplanes.

Mr. SMOOT. What appropriation was made authorizing the purchase of those six airplanes?

Mr. HARDWICK. The same appropriation, namely, \$100,000, was carried in the last annual Post Office appropriation bill; and under that appropriation, as the Postmaster General explains, he bought these six airplanes. Now, if the entire motion of the Senator from Utah should prevail, he not only could not buy any more, or even take any more from the War Department when they did not think they could be used for military purposes, but we would cripple him so that he could not use what we have already bought and paid for.

Mr. SMOOT. I think the Senator is correct.

Mr. HARDWICK. So the motion certainly ought to be changed in that respect before we vote on it.

Mr. SMOOT. That is, the Senator thinks we ought to retain the words "or by airplanes," in line 2, page 17, even though the balance goes out?

Mr. HARDWICK. I think those words ought to be left in the bill, even though we do not pursue the project any further.

Mr. SMOOT. Although the balance of the amendment was agreed to?

Mr. HARDWICK. I think so; undoubtedly.

Mr. SMOOT. I am quite sure that the Senator's statement is correct. If those words went out, there would be no provision for operating the six planes that have already been purchased.

Mr. KING. Mr. President, may I ask the Senator from Georgia a question?

Mr. HARDWICK. Yes. If I have the floor, I yield.

Mr. KING. Where is the appropriation for the expense that will be necessarily incurred in operating the six planes which the Senator says are now constructed? I ask the question because it is clear, from what little I know of the operation of these machines, that the expense of maintaining and operating the six airplanes will be tremendous. It is stated that for every machine that is used upon the field some 15 or 20 mechanics of skill—great skill, let me say—are required to keep the plane in order.

Mr. HARDWICK. That would be true of a fighting plane, but not of these.

Mr. KING. I fancied that the expense of keeping these in order would be considerable.

Mr. HARDWICK. Let me explain to the Senator what the situation would be if his motion should prevail as he makes it.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. HARDWICK. Yes.

Mr. GALLINGER. I should like to suggest to the Senator from Utah that he need not be disturbed about that. We will have some more deficiency bills before we get through with this session.

Mr. KING. I have no doubt about that.

Mr. SMOOT. Four or five of them.

Mr. HARDWICK. That would not make any difference.

Mr. GALLINGER. It can be provided for.

Mr. HARDWICK. Now, let us see exactly what the situation will be, Mr. President, if the Senator's motion prevails as he makes it. I do not believe he wants to insist on it in the form in which it now is.

The bill reads:

For inland transportation by steamboat or other power-boat routes or by aeroplanes, \$1,185,000.

And then, at a later period, there is a limitation on the amount of that sum which may be used for transportation by airplanes, in the following language:

Provided further, That out of this appropriation the Postmaster General is authorized to expend not exceeding \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

My recollection is that the bill offered by the Senator from Texas passed this body; but I do not know whether it has passed the other body, too, or not.

Mr. SHEPPARD. Yes; it has passed the House, Mr. President, and is now a law.

Mr. HARDWICK. It is now a law. We have already established this service by law, and the Postmaster General is authorized to operate between these places. Under an appropriation that we made a year ago we have spent practically \$100,000 in purchasing and equipping six airplanes, with the full consent of the War Department and under circumstances which induced them to say that it not only did not interfere with their program, but was an affirmative aid to them in the execution of their program.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARDWICK. Certainly.

Mr. KING. What do these words mean, in the light of the statement of the Senator—and, of course, he is familiar with this subject, and most of us are not:

Provided further, That out of this appropriation the Postmaster General is authorized to expend not exceeding \$100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

Does not that mean that \$100,000 is to be devoted by him to further experimental purposes and to the purchase of additional planes?

Mr. HARDWICK. I think that is a limitation on the language first employed. My own judgment is—I am just giving the Senator my opinion now—that the language in section 2 would have authorized the Postmaster General to expend any portion of the \$1,185,000 that he wanted to expend for airplane service if it had not been for the limitation contained in the proviso to which the Senator refers, but that the proviso is to be construed as a limitation on the language first employed, and that under that language he could not employ more than \$100,000 of this sum for this particular purpose. My construction of the language is further borne out by the fact that that is the way the department itself has construed exactly similar language in the last Post Office appropriation bill.

Now, we have got to what I want to call the Senator's attention. Under legislation that we passed the other day, originating in this body, introduced by the Senator from Texas [Mr. SHEPPARD], and concurred in by the other House, and now become a law, we have authorized this sort of service between New York, Philadelphia, Baltimore, and Washington. I hope some Senator will correct me if I have not stated it right. I was not here when that bill was passed. That is correct, is it not?

Mr. SHEPPARD. The bill to which the Senator refers authorized the fixing of postal rates for the service.

Mr. HARDWICK. Did it authorize the service itself?

Mr. SHEPPARD. It did not.

Mr. VARDAMAN. Oh, no.

Mr. HARDWICK. Then that is not quite as bad as I thought; but the situation is bad enough. I mean by that, we would not be in quite as much difficulty as I thought we would if we go along here and pass other legislation refusing to give the Postmaster General power to establish and operate the service that we previously authorized in another bill, and that Congress authorized, and that has become the law. But under the appropriation we made a year ago the department has already purchased and equipped and is ready to operate six of these planes. Now, what are we to do with them? Of course, the suggestion of the Senator from New Hampshire [Mr. GALLINGER] is one that we might take, but it seems to me that that is mere procrastination. If we are going to have the service at all, and are going to use these airplanes at all, there is no need to wait for a deficiency appropriation. Here is the place where the appropriation ought to be made, if we are going to provide for it at all; and if it is not made here I do not know that it ought to be made anywhere else, because this is the committee that deals with postal affairs, and the Senate now is engaged in disposing of postal affairs according to its views.

I do not think it is exactly sound to say that when we have spent \$100,000 to purchase these six airplanes we are not going to operate them at all, and we are going to throw them away. I do not care what becomes of this appropriation, so far as I am concerned. I do not know a great deal about it. If I thought, as some Senators have expressed themselves, that there was the slightest danger that this appropriation could interfere in the smallest degree with getting airplanes for fighting purposes and sending them to the battle lines in France, I should say cut it out and run no risk. But when I am advised by the Post

Office Department, by these various bodies that deal with the subject, including the National Defense Committee, and by the Secretary of War, in conference with the Postmaster General, that no conflict of that character is possible, and that there has been none; that the machines that are adapted to that purpose are not used at all for fighting purposes, and are not suitable for fighting purposes; when that showing is made I confess that I can not see very much in the argument.

My view of the question is still further strengthened when I realize that this aeronautical association, no matter how ambitious they are about amounts—I do not pay much attention to that; the Senator from Utah got some comfort out of what he thought was the extravagance of their demands, but I am not concurring with them on the amount—this aeronautical association seems to agree with the Post Office Department, and the Post Office Department seems to agree with the War Department and with the Navy Department, that by experimenting with these machines that they have and with the machines that are perfectly useless to the War Department, if you let section 8 stay in the bill they can give our fighting aviators and pilots actual and practicable cross-country training in flying before they go abroad.

Now, if that can be done, and we have the opinion not only of the Post Office Department but of the War Department and the Navy Department and the Council of National Defense, if it not only can be done but it is true, I do not see why we could not use the machines that are not fighting machines that are already built and which already belong to the Post Office Department for this service in this country without interfering in the smallest degree with the operations over there. Still it is a matter, I think, for the judgment of each Senator.

Mr. KING. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. KING. What does the Senator say to the suggestion made by the Aeronautical Society that \$100,000 is wholly inadequate, that it must be increased to at least \$500,000?

Mr. HARDWICK. I have just told the Senator I did not favor going into it to any such extent as that. I would rather stick by the amount recommended by the committee if we are going to do it at all by the Post Office Department. I want Senators to understand that it is held by the War Department and the Navy Department and all the balance of them, and if there was any conflict between the departments on this question I would unhesitatingly follow the ideas of the fighting department of our Government. But when the Post Office Department comes in and says that the War Department and the Navy Department are anxious for them to go ahead with this thing, and are detailing men for the practice the men will get in helping to put on these routes, I can not see why, whatever our preconceived opinion might be as to whether there might be some possibility of interference, we should not overcome that entirely; although, as I said, the committee merely followed the recommendation of the department and it is perfectly willing to accept whatever the judgment of the Senate is about it.

EDUCATION OF ILLITERATES.

Mr. SMITH of Georgia. Mr. President, I had intended this afternoon to move to take up Senate bill 4185 to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States. The bill provides for a small appropriation of \$100,000 the first year, \$50,000 the second year, and \$50,000 the third, to go to the Bureau of Education to aid in certain very important work now going on. But my object in making the motion would have been to utilize the time of day when I would have the right to discuss it. There are so few Senators here this evening that it would be hardly worth while to present my views, and I shall not do so. I wish, however, even to those present, to say that this bill came to me from the Secretary of the Interior with an appeal for its passage because he needed it in the direction of certain important work he was doing. He has since sent me the action of the Council of National Defense expressing the desire for work in the cantonments and for work among the illiterates, and especially those who can not speak English who are in the draft age.

The Secretary of the Interior called a convention of governors here, and he has, with the aid of the Bureau of Education, mapped out a line of work in the various States seeking especially to overcome the lack of knowledge of English, that the men going into the cantonments may be taught at least to understand the orders they are given. I have quite a record showing a splendid plan of work that is contemplated. The great object of it is, first, to teach English to those who are to go into the cantonments and to teach some capacity to read to the 700,000 illiterates who are within the draft age.

I want to present this to the Senate the first opportunity I can get before 2 o'clock. I can only make a motion to take up the bill, but I can not argue the motion. I expect if I get the floor again to-morrow morning to make the motion. If the motion does not prevail after 2 o'clock I shall make the motion again until I know that Senators understand what is in the bill. If they understand what is in the bill and want to beat it, I can not help it. I am sorry that they do not appreciate it. I am sure that it is wise and desirable, and I am going to persist with the bill until I know that Senators understand what is in it and beat it, knowing what is in it or else adopt it.

I will not make the motion now.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. SMOOT. I wish to ask my colleague, Mr. KING, if he will not divide his motion first by striking out all after the word "Provided," in line 6, down to and including the word "thereof" in line 14, and then if that prevails take a vote on striking out the three words in line 2.

In explanation of my request, I desire to say that I am in favor of striking out after the word "Provided" the balance of that paragraph, but I believe that we ought to leave in the words "or by airplane" in the bill, seeing that we have six purchased already, and it will not take any further increased appropriation to allow them at least to experiment with the six airplanes that they already have purchased.

Mr. KING. In the light of the explanation which was made by the Senator from Georgia [Mr. HARDWICK] a moment ago, namely, that six airplanes have been constructed and, as I understood him, are ready for service, I intended to divide the motion, as suggested by my colleague, and I further intended to ask the Senator in charge of the bill to let this section go over until to-morrow. If certain information which was suggested by the Senator, when I have a chance to look up the matter a little further, is of the character I anticipate, I may supplement the motion by moving to transfer these machines to the War Department for service there.

I ask the Senator if he is willing that the vote upon this section may go over until to-morrow. I fancy there are other matters here that can be considered.

Mr. BANKHEAD. It must be borne in mind that this matter has been passed once.

Mr. KING. I appreciate that fact.

Mr. BANKHEAD. And we want to get along with the bill.

Mr. HARDWICK. What is the Senator's purpose?

Mr. KING. I wish to make some further inquiry as to the six machines to which the Senator from Georgia referred.

Mr. BANKHEAD. I ask that it may go over until to-morrow.

Mr. SMOOT. Does the Senator want to have an executive session to-night?

Mr. BANKHEAD. No; I do not know of any necessity for an executive session.

Mr. SMOOT. It is now after 5 o'clock.

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

Mr. BANKHEAD. I yield to the Senator from Texas.

THE CALENDAR—AMENDMENT OF THE RULES.

Mr. SHEPPARD. I wish to submit a written notice of an amendment to the rules.

Mr. BANKHEAD. If it leads to no debate, I will yield.

Mr. SHEPPARD. It will lead to no debate.

Mr. SMITH of Georgia. It really ought to come in the morning hour when we will all know about it, but I shall not object.

Mr. SHEPPARD. It is a written notice of an amendment of the rules that I shall offer to-morrow.

Mr. SMITH of Georgia. Very well. I will not make a point of order.

The VICE PRESIDENT. The notice will be read.

The Secretary read as follows:

I hereby give notice that it is my intention to introduce an amendment to paragraph 3, Rule VII, of the standing rules of the Senate. The purpose of the amendment is to make certain the consideration of bills on the calendar, during the time between the expiration of morning business and the hour of 2 o'clock p. m., unless there should be unanimous consent for other action.

The proposed amendment is to substitute "2 o'clock" for "1 o'clock" in section 3, Rule VII, and to substitute the word "and" for the word "or," so that as amended the rule would read as follows:

"3. Until the morning business shall have been concluded and so announced from the chair, and until the hour of 2 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar, shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subjects proposed to be taken up."

RECESS.

Mr. BANKHEAD. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 14, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, May 13, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near to these Thy servants, Almighty Father, as they thus enter upon a new congressional week. Inspire their hearts with patriotic zeal and fervor, that their work may reach the highest level of statesmanship and redound to the good of our great Republic in this hour, which taxes our resources in means and men, at home and abroad, to uphold and sustain our God-given rights; in the Spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 11, 1918, was read and approved.

TREASURY BALANCE ON APRIL 1, 1918.

Mr. MADDEN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDEN. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution:

Resolution by Mr. MADDEN:

House resolution 345.

Resolved, That the Secretary of the Treasury be requested, if not incompatible with the public interest, to report to the House the amount of the Treasury balance on the 1st day of April, 1918, where the same is on deposit, and the rate of interest being received from each depository.

Mr. MADDEN. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I do not know what the Speaker's construction of it is, but it does occur to me that it is not a privileged resolution, as suggested by the gentleman from Illinois, until it has gone to a committee and remained there for seven days, as I understand the rules.

The SPEAKER. That is correct, but the gentleman asks unanimous consent for its consideration.

Mr. GARNER. I want to say, Mr. Speaker, that on last Saturday I objected to the consideration of the resolution because the Treasury Department had not been consulted, and neither had any committee examined the resolution. Since that time I have talked to the Treasury people having charge of this information which this resolution seeks, and they say there is no objection to the passage of the resolution except the tremendous amount of labor that will be involved in reporting the 4,600 depositaries, the names of them, and the amount in each one. I do not object to the resolution if the gentleman from Illinois desires to take upon himself the responsibility of asking for the information, in view of the tremendous amount of labor that will be involved in furnishing it. As I remarked, I shall not object to it, though I doubt the advisability of having this amount of work performed for mere information. I can not imagine what the gentleman's purpose is in getting it.

Mr. MADDEN. Mr. Speaker, if there is anybody connected with the Government of the United States that ought to be in possession of the information sought in this resolution, this is the body, and I am not asking for any information that ought not to be in possession of the Congress; neither am I asking for information with any purpose except that we may be properly informed. And the mere question that it requires a little more work to furnish it ought not to enter into the consideration of the problem at all.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARNER. If it is good policy to have this information, why not have a general law requiring the Secretary of the Treasury to report to Congress every 30 days how much money he has on hand at the first of each month, the name of the depositaries, and the amount of interest he is getting from each one. I merely mention that to indicate that the gentleman must have some public service in view; and would he mind detailing to the House what it is?

Mr. MADDEN. I will. I am very anxious to find out, so far as this information will help to convey the knowledge, whether, in the face of the present situation, we need the new revenue law. That is one of the things about which I am anxious to find out, and I think this will help in that direction.

Mr. GARNER. Will the number of depositors and the amount of interest help the gentleman to determine the fact of whether there should be a revenue bill or not?

Mr. MADDEN. According to my judgment, it will help. I have no way of—

Mr. GARNER. Is that the only reason?

Mr. MADDEN. That was the only reason, and I think it is a very important one.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to.

PASSPORTS.

Mr. FLOOD, Mr. BYRNS of Tennessee, and Mr. KAHN rose. The SPEAKER. For what purpose does the gentleman from Tennessee [Mr. BYRNS] rise?

Mr. BYRNS of Tennessee. To call up the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. If the gentleman will wait a minute, the Chair will recognize him later. The gentleman from Virginia [Mr. Flood] is recognized.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10264, known as the passport bill, for the purpose of moving to concur in some unimportant amendments adopted by the Senate, so that the bill can go to the President.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the passport bill and agree to the Senate amendments. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I assume the gentleman intends to explain the minor differences in the measure.

Mr. FLOOD. Yes. There are just some differences in language; some of it has been transposed. It does not affect the measure.

Mr. JOHNSON of Washington. I would like to ask just one question.

Mr. WALSH. Will the gentleman do that if consent is secured?

Mr. FLOOD. Certainly.

Mr. JOHNSON of Washington. Will the gentleman permit a question?

Mr. FLOOD. I will.

Mr. JOHNSON of Washington. I would like to ask one question. I received a telegram from a citizen of Honolulu, asking about this new passport law, and asking if travelers to and from the United States and Honolulu would have to have passports?

Mr. FLOOD. Yes; certainly.

Mr. JOHNSON of Washington. Does the gentleman think any plan can be devised by which they could be issued on the Pacific coast and in Honolulu?

Mr. FLOOD. Yes. The State Department expects to authorize officials on the Pacific coast to issue passports.

Mr. JOHNSON of Washington. That is very important, because it will be impossible to say what vessel will be sailing at an advance date necessary for the transmission of the mail. I thank the gentleman.

Mr. KITCHIN. I suggest to the gentleman from Virginia that until the regular order is demanded he explain these differences now, while the gentleman from Massachusetts [Mr. WALSH] reserves the right to object. It will save time in that way, I think.

Mr. STAFFORD. Maybe the gentleman might wish to defer that to some future time.

Mr. GARNER. There is no real difference between the House and the Senate?

Mr. FLOOD. None whatever.

Mr. GARNER. It is a mere transposition of language. It does not change the House resolution as it went over there one whit?

Mr. FLOOD. No.

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

Mr. FLOOD. Yes.

Mr. WALSH. Did not the Senate put in an amendment to take care of some people in this country who might wish to travel to Alaska?

Mr. FLOOD. No; they did not. All the change they made was in reference to the use of language in one place, where the Senate thought it ought to be in another place.

Mr. KITCHIN. As I understand the gentleman, there is no material difference?

Mr. FLOOD. None whatever.

Mr. WALSH. I shall not object if that is the case.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

EXTENSION OF REMARKS.

Mr. KAHN rose. The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KAHN. I desire to ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by Representative CHANDLER of New York, a Member of this House, at the Town and Country Club in this city a few nights ago.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks by inserting a speech delivered by Mr. CHANDLER of New York at the Country Club here not long ago. Is there objection?

There was no objection.

The SPEAKER. This is the day set apart for the consideration of the Overman bill.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—CONFERENCE REPORT (NO. 547).

Mr. BYRNS of Tennessee. Mr. Speaker, I wish to call up the conference report on the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

The SPEAKER. The Clerk will report it.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, 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 Senate recede from its amendments numbered 8, 19, 20, 23, 45, 47, 48, 56, 57, 59, 74, 75, 78, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 42, 43, 44, 49, 50, 51, 52, 53, 54, 55, 61, 62, 63, 64, 66, 67, 68, 69, 71, 72, 73, 76, 77, 78, 80, 81, 82, 85, 86, 87, and 89, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant clerk, \$1,440; assistant clerk during the period of the war, \$1,440"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$144,720"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "exchange, care, and maintenance of motor-propelled delivery vehicle"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "\$11,075" and insert in lieu thereof "\$10,850"; and, in the same line, strike out "\$2,075" and insert in lieu thereof "\$1,850"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "\$3,500"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu

of the sum proposed in said amendment insert the following: "\$3,500"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: On page 110 of the bill, in line 3, strike out "\$3,000" and insert in lieu thereof "\$3,750"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "\$3,500"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 120 of the bill, in line 16, strike out "\$1,575,790" and insert in lieu thereof "\$1,682,990"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "\$3,500"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following "\$20,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "\$3,500"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 38 and 90.

JOSEPH W. BYRNS,
JOHN M. EVANS,
WILLIAM H. STAFFORD,
Managers on the part of the House.
THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, relating to the Senate: Appropriates for the employees and for expenses of the Senate in the manner proposed by the Senate, with the following exceptions: An additional assistant clerk, at \$1,440, is provided for the Committee on Military Affairs during the period of the war, and the appropriation of \$4,327.50 to increase the compensation of certain Senate employees up to \$1,440 per annum is omitted from the bill.

On Nos. 19 and 20: Strikes out the 50 additional privates in the Capitol police force proposed by the Senate.

On Nos. 21 and 22: Increases the allowance of the Clerk of the House of Representatives for hire of horse and wagon from \$900 to \$1,200.

On Nos. 23 and 24, relating to the Library of Congress: Strikes out the appropriation of \$500 for temporary services for use in connection with the Library Building, and appropriates \$18,500, as proposed by the Senate, instead of \$18,000, as proposed by the House, for maintenance of the Library Building.

On No. 25: Inserts authority, as proposed by the Senate, for the exchange, care, and maintenance of a motor-delivery vehicle for the Botanical Garden.

On Nos. 26, 27, and 28, relating to the State Department: Appropriates for two additional switchboard operators at \$720 each, as proposed by the Senate, and broadens the restriction on the use by the State Department of appropriations for personal services in the District of Columbia so as to except from its operation sums in the Diplomatic and Consular act available for that purpose.

On Nos. 29 and 30: Appropriates \$4,000 for the salary of the Government actuary, as proposed by the Senate, instead of \$3,500, as proposed by the House.

On Nos. 31, 32, 33, 34, 35, 36, and 37: Appropriates, as proposed by the Senate, for the following additional employees in the office of the Auditor for the War Department:

3 clerks, at \$1,800 each	\$5,400
3 clerks, at \$1,600 each	4,800
4 clerks, at \$1,400 each	5,600
10 clerks, at \$1,200 each	12,000
4 clerks, at \$1,000 each	4,000
2 clerks, at \$900 each	1,800
	33,600

26 On No. 38, relating to the abolition of the Subtreasuries: The committee of conference have been unable to agree.

On No. 39: Appropriates, as proposed by the Senate, for the pay of the Second Assistant Secretary of War and the Third Assistant Secretary of War, authorized by the act of April 6, 1918, from the dates of their qualification to June 30, 1919.

On No. 40: Inserts the paragraph, proposed by the Senate, authorizing the Chief of Ordnance to appoint an Army officer in his bureau to act as disbursing officer to pay civilian employees in that office.

On Nos. 41, 42, and 43, relating to the contingent expenses of the War Department: Authorizes the use of \$3,500, instead of \$4,000 as proposed by the House and \$3,000 as proposed by the Senate, for an automobile for the use of the Secretary of War; inserts, as proposed by the Senate, authority for the purchase and maintenance of motorcycles.

On No. 44: Appropriates for the employees to maintain and protect the new office buildings in the Henry Park reservation in the number and salaries proposed by the Senate.

On No. 45: Strikes out the authority, inserted by the Senate, for the purchase of additional printing presses in the Hydrographic Office of the Navy Department and restores the language, proposed by the House, for the purchase of a hand press.

On No. 46: Authorizes the expenditure of \$3,500, instead of \$4,000 as proposed by the House and \$3,000 as proposed by the Senate, for an automobile for the official use of the Secretary of the Navy.

On Nos. 47 and 48: Strikes out the increase of \$500, proposed by the Senate, in the pay of the medical expert in the office of the Solicitor for the Interior Department.

On Nos. 49, 50, 51, 52, 53, and 54: Appropriates for the following additional employees in the General Land Office, as proposed by the Senate:

1 law examiner	\$2,000
4 clerks, at \$1,600 each	6,400
6 clerks, at \$1,400 each	8,400
4 clerks, at \$1,200 each	4,800
4 clerks, at \$1,000 each	4,000
	25,600

19 On No. 55, relating to the Pension Office: Provides, as proposed by the Senate, that not more than 50 per cent of the vacancies occurring in the \$1,200 grade, and not more than 25 per cent of the vacancies in other grades between \$2,250 and \$1,000, and all of the vacancies above \$2,250 or below \$1,000 may be filled by original appointment or promotion in lieu of the House provision, which required that not more than 25 per cent of the vacancies occurring in any of the grades below \$2,250 should be filled by original appointment or promotion.

On Nos. 56 and 57: Strike out the proposal of the Senate to transfer the expenses of transporting publications of patents from the appropriation for the purchase of books to the appropriation for the production of copies of patents.

On Nos. 58 and 59: Restores the increase, stricken out by the Senate, in the pay of the chief electrical engineer in the office of the Superintendent of the Capitol Building and Grounds.

On No. 60: Authorizes the use of \$3,500, instead of \$4,000 as proposed by the House and \$3,000 as proposed by the Senate, for an automobile for the official use of the Secretary of the Interior.

On Nos. 61, 62, 63, 64, 65, 66, 67, and 68, relating to the Post Office Department: Appropriates, as proposed by the Senate, for the following additional employees in the office of the Postmaster General:

2 clerks, at \$1,800 each	\$3,600
4 clerks, at \$1,600 each	6,400
8 clerks, at \$1,400 each	11,200
30 clerks, at \$1,200 each	36,000
	57,200

44 Inserts the paragraph, proposed by the Senate, authorizing the Postmaster General to adjust the salaries of employees \$100 above or \$100 below statutory provision therefor; appropriates \$50,000, as proposed by the Senate, for the enforcement of the

provisions of the espionage and trading with the enemy acts intrusted to the Post Office Department; and appropriates \$500, as proposed by the Senate, for rent of stables.

On Nos. 69 and 70, relating to the Department of Justice: Appropriates \$37,000, as proposed by the Senate, instead of \$30,000, as proposed by the House, for miscellaneous and contingent items, and authorizes the expenditure of \$3,500, instead of \$4,000 as proposed by the House and \$3,000 as proposed by the Senate, for an automobile for the official use of the Attorney General.

On Nos. 71, 72, and 73, relating to the office of the Solicitor of the Treasury Department: Increases the pay of the chief clerk from \$2,000 to \$2,250, and provides that the chief clerk shall also discharge the duties of chief law clerk, and eliminates one law clerk at \$2,000 per annum, as proposed by the Senate.

On Nos. 74, 75, 76, 77, and 78, relating to the Census Office: Strikes out the statistical and technical expert at \$3,000, proposed by the Senate; provides 10 special agents, as proposed by the Senate, instead of 7, as proposed by the House; and increases the amount for the collection of information for census reports, as proposed by the Senate, from \$450,000 to \$490,000, and strikes out the increase of \$10,000, proposed by the Senate, in the appropriation for punching machines for use in the Fourteenth Census.

On Nos. 79, 80, 81, and 82, relating to the Shipping Service: Appropriates \$1,500, as proposed by the Senate, for a shipping commissioner at Newport News, Va., and increases the amount for clerk hire from \$45,000 to \$47,700, and the amount for contingent expenses from \$7,500 to \$8,365.

On No. 83: Appropriates \$20,000 instead of \$30,000, as proposed by the Senate, for the standardizing and designing of sugar-testing apparatus by the Bureau of Standards.

On No. 84: Authorizes the use of \$3,500 instead of \$4,000, as proposed by the House, and \$3,000 as proposed by the Senate, for an automobile for the official use of the Secretary of Commerce.

On No. 85: Limits the operation of the paragraph, proposed by the House, authorizing the Department of Commerce to make purchases in amounts not exceeding \$25 without previous advertisement, to the period of the war, as proposed by the Senate, instead of making it permanent law, as proposed by the House.

On Nos. 86 and 87: Strikes out the increase, proposed by the House, in the pay of the chief statistician in the Bureau of Labor Statistics.

On Nos. 88 and 89, relating to the contingent expenses of the Department of Labor: Strikes out the authority, proposed by the Senate, for the purchase or exchange of a motor truck, and inserts the paragraph, proposed by the Senate, authorizing the Department of Labor during the period of the war to make purchases in amounts not exceeding \$25 without previous advertisement.

On No. 90, relating to the \$120 increase to certain Government employees and regulating hours of labor: The conferees have been unable to agree.

JOSEPH W. BYRNS,
JOHN M. EVANS,
WILLIAM H. STAFFORD,

Managers on the part of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On May 6, 1918:

H. J. Res. 284. Joint resolution making an appropriation for contingent expenses of the House of Representatives.

On May 9, 1918:

H. R. 3132. An act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.

On May 10, 1918:

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with or incidental to the prosecution of the war; and

S. 4208. An act authorizing postage rates on aeroplane mail.

On May 11, 1918:

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments Nos. 38 and 90 and agree to the conference asked for.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendments Nos. 38 and 90 and agree to the conference asked for. The question is on agreeing to that motion.

Mr. MOORE of Pennsylvania. Will the gentleman tell us what those amendments are? What are they?

Mr. BYRNS of Tennessee. The Senate amendment numbered 38 strikes out the provision inserted by the House discontinuing the Subtreasuries six months after the war.

Senate amendment numbered 90 is the amendment relating to the compensation of employees. There are three differences between the action of the House and the action of the Senate. One of them applies to the maximum salaries to which this increase shall apply. The gentleman will remember that the House fixed the maximum salary at \$2,000. The Senate has fixed the maximum at \$2,500.

One of the other differences is with respect to the class of employees to whom this extra compensation will apply. The House made no distinction between employees who are paid from lump sums and those paid specified salaries. The Senate excepts from the provision allowing this increase of compensation to the employees of those commissions or governmental activities which have been created since the 1st of January, 1910. In other words, it would apply, among others, to the Food and Fuel Administration, the War Trade Board, the Alien Property Custodian, the Shipping Board, the Bureau of War-Risk Insurance, and possibly some others.

The third difference between the House and Senate lies in the Borland amendment, touching the eight-hour day, which was fixed by a provision of the House. The Senate has eliminated that particular provision from the amendment which it adopted.

Mr. MOORE of Pennsylvania. The effect of the gentleman's report is to have the House stand by the House propositions on those subjects—on those three questions?

Mr. BYRNS of Tennessee. That is the effect.

Mr. COX. Mr. Speaker, will the gentleman yield to me?

Mr. BYRNS of Tennessee. Yes.

Mr. COX. I want to ask the gentleman a question for information. The Senate has increased the salary to the maximum limit of \$2,500. Would that increase apply to clerks of the committees of the House and Senate?

Mr. BYRNS of Tennessee. It would apply to all employees of the House and Senate who are on the roll.

Mr. COX. It would not apply to clerks of committees in the House?

Mr. BYRNS of Tennessee. It would apply to clerks of committees in the House, and, as I understand, to all employees of the Senate, because they are all on the roll. It would not apply to secretaries of House Members, because they are not on the rolls.

Mr. COX. I do not know whether this is true or not, but the word reaches me rather accurately that the clerks to committees in the Senate got exceedingly busy when this proposition was under consideration over there, and it might or might not be due to their activity that this increase was raised to \$2,500. It would evidently be unfair to entail two or three million dollars, in all human probability, on the Treasury of the United States in order to take care of a few clerks to committees over in the Senate who, I think, are largely overpaid already.

Mr. BORLAND. Mr. Speaker, will the gentleman yield to me for a question?

Mr. BYRNS of Tennessee. I yield.

Mr. BORLAND. My understanding is that a motion to recede from the disagreement and to concur with an amendment would take precedence of the gentleman's present motion, and that would be one way, and practically the only way, for the House to get a test vote on the question of the Borland amendment for eight hours' work; but, as I understand it, that would entail an agreement by the House to this raise in the limit to \$2,500, to which the increased compensation would apply, so as to take in the Senate clerks. In other words, the only way we can get a test vote on the eight-hour amendment would be to concur in the balance of the amendment with an amendment setting out the House language on the eight hours. That is the parliamentary situation, is it not?

Mr. BYRNS of Tennessee. If I understand the gentleman correctly, unless the House chooses to instruct the conferees,

Mr. BORLAND. I am not willing to agree to the position of the Senate in raising the limit within which the increases of salary will be effective, up to \$2,500, and I think a great many Members of the House would not be willing to do that. I would be glad to have the House in a position to express its sentiments on the question of the eight-hour day, because with this increase of salary and the present attitude in regard to allowing the clerks Saturday afternoons, and everything of that kind, I do not think the clerks are very badly oppressed, and I really think they ought to work eight hours, and I believe most of us think that. But I would rather leave it to the gentleman's committee with a full disagreement, with the House standing squarely behind the conferees of the House upon all these matters of disagreement. I think I prefer to do that, and I believe the gentleman himself would prefer to have the House do that, would he not?

Mr. BYRNS of Tennessee. Of course, so far as I am concerned, there could not be any objection to the House expressing its opinion upon any of the matters involved, because that is what the conferees wish to know. They will try to carry out the wishes of the House, and that is what they have endeavored to do with respect to these two amendments up to this time, but without success.

Mr. KEATING. I share the desire of the gentleman from Missouri to get a vote on the so-called Borland amendment, but for an entirely different reason. I think the House should reverse the action which it took on the Borland amendment, and should concur in the Senate amendment so far as it affects the Borland amendment.

Now, I think a direct vote on the Borland amendment may be secured in two ways. We can offer an amendment to concur in the Senate amendment with an amendment, this latter amendment being the House proposition minus the Borland amendment. This will bring the issue directly upon the Borland amendment.

I should like to offer that amendment, but I do not happen to have the language here, so I can not offer it unless the Clerk can read the part of the amendment which has been stricken out. I think the House should have a record vote on the Borland amendment. The vote of the Senate to strike out the Borland amendment was unanimous, and I do not think the two Houses should remain in a deadlock over so trivial a matter.

Mr. BORLAND. The two Houses are not liable to remain in a deadlock over the Borland amendment.

Mr. GREENE of Massachusetts. Would not a motion to recede and concur with the Senate on the subject of the Borland amendment be in order?

The SPEAKER. Nobody has made any such motion.

Mr. GREENE of Massachusetts. I will make it if nobody else does. I desire to make a motion to recede and concur in the action of the Senate in striking out the Borland amendment.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. Would it be in order to move to recede and concur with an amendment, the amendment being the original text of the House provision?

Mr. GOOD. No; that is not receding.

Mr. GREENE of Massachusetts. I make a motion to recede and concur with the action of the Senate. I move that the House recede and concur with the Senate on the striking out of the Borland amendment.

Mr. KEATING. Mr. Speaker, if I may suggest to my friend from Massachusetts, the Borland amendment is a part of another amendment. It is not a separate amendment, and if the gentleman desires to get a separate vote on the Borland amendment, his motion should be to concur in the Senate amendment with an amendment, the amendment being the text of the House amendment minus the paragraph containing the Borland amendment. That will bring up the issue squarely between the two Houses.

Mr. GREENE of Massachusetts. I accept that as my motion and desire to present it—that the House recede and concur, with an amendment to strike out the Borland amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, will I lose the floor?

The SPEAKER. No; the gentleman has not lost the floor.

Mr. GARRETT of Tennessee. But if he yields for the presentation of the motion—

Mr. BYRNS of Tennessee. If I yield for the motion to concur with an amendment, I think I still have the floor.

The SPEAKER. The chairman of the Committee on Appropriations has control of it.

Mr. MADDEN. Will the gentleman yield to me?

Mr. BYRNS of Tennessee. Yes.

Mr. HAMLIN rose.

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

Mr. HAMLIN. A parliamentary inquiry. While I do not favor the motion of the gentleman from Massachusetts [Mr. GREENE], it is a preferential motion, is it not?

The SPEAKER. The Chair has decided three or four times that it is.

Mr. HAMLIN. Then he would have the right to make that motion whether the gentleman from Tennessee wanted to yield the floor or not, would he not?

The SPEAKER. The gentleman from Tennessee was not trying to keep the gentleman from Massachusetts from making the motion.

Mr. HAMLIN. The gentleman from Tennessee was raising the point, and I understood the Chair to agree with him, that he had the floor.

The SPEAKER. He has the floor in control of this thing clear to the end, unless he lets his hour run out without moving the previous question.

Mr. HAMLIN. That is all I wanted to know.

Mr. GREENE of Massachusetts. I ask the gentleman to yield to me to make a motion to recede and concur with an amendment striking out of the House provision the Borland amendment. What I want to get at is the Borland amendment. It never ought to have been passed, and I want to knock it out, if I can.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts should send his motion to the desk.

Mr. CRISP. Mr. Speaker, is not this the parliamentary situation of the present case: That the gentleman from Tennessee calls up the conference report and moves that the House further insist on its disagreement, and that motion is in order? Is it not also in order for a motion to recede to be made and a motion to recede with an amendment, and these motions to be pending and to be submitted to the House in the order of preference? Under clause 4 of Rule XVI:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely, which several motions shall have precedence in the foregoing order.

Is it not in order in the present case for all motions to be pending, the gentleman from Tennessee to have the floor for his hour, and when the time comes to vote on the motion of the highest order which in the present case is a motion to recede?

The SPEAKER. The gentleman from Georgia is correct. The motion of the gentleman from Massachusetts has precedence over the motion of the gentleman from Tennessee. If any gentleman had made a motion to simply recede, that would have a preferential right over the motion of the gentleman from Massachusetts, but nobody has made that motion.

Mr. STAFFORD. Mr. Speaker, I wish to raise a point of order on the motion of the gentleman from Massachusetts. I would like to know what the motion of the gentleman from Massachusetts really is.

Mr. GREENE of Massachusetts. The motion of the gentleman from Massachusetts is to wipe out the Borland amendment and regret that we ever put it in. [Laughter.]

The SPEAKER. But the gentleman can not put that language into his motion.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state it.

Mr. WINGO. Do I understand that whether or not the gentleman from Tennessee is willing any Member has a right to make a motion like that of the gentleman from Massachusetts?

The SPEAKER. This situation is not like a Member having the floor for an hour's debate. There are certain motions in order in a situation like this, like a motion to concur, or concur with an amendment, or recede, and so forth.

Mr. WINGO. I understand that; but the point I want to get at is, can not the gentleman from Tennessee shut off these motions by making the motion he has just made and then move the previous question?

The SPEAKER. No.

Mr. KEATING rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KEATING. I rise to endeavor to clarify the motion made by the gentleman from Massachusetts, and I am acting at his request. The gentleman moves that the House recede and concur in the Senate amendment 90, with an amendment, the latter amendment being the language of the original section as contained in the House bill, with the exception of the concluding paragraph, which paragraph has to do with what is

called the Borland amendment. If adopted the result will be that the House will stand on the original proposition adopted by the House, having to do with the bonus for Government employees, with the exception of the Borland amendment.

Mr. BORLAND. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. BORLAND. It would be necessary, as I take it, for the gentleman from Massachusetts to move to strike out all of the language in the Senate amendment. I doubt whether he can do that under the rules of this House, I doubt whether he can move to concur and at the same time strike out all the language of the Senate amendment and insert the language of the House amendment.

Mr. CARTER of Oklahoma. That would be tantamount to amending the conference report.

Mr. BORLAND. It does not add new language to the Senate amendment. His motion is to substitute for the Senate amendment the original language of the House amendment.

The SPEAKER. Does the Senate amendment cut out all of that substitute?

Mr. KEATING. The Senate amendment cuts out the entire section 6 of the House bill. Section 6 had to do with the increase of compensation of Government employees. The concluding paragraph of section 6 was the Borland amendment. The Senate struck out the entire section and substituted certain language. Now, I move to strike out the Senate language and substitute the House language, with the exception of the last paragraph—that is, the paragraph containing the Borland amendment.

Mr. STAFFORD. Mr. Speaker, that motion is not in order.

The SPEAKER. Why not?

Mr. STAFFORD. For this reason: He is not moving to concur in the Senate amendment, because the Senate amendment leaves out the very matters which the gentleman from Colorado and the gentleman from Massachusetts are seeking to omit. It prolongs the disagreement rather than arriving at an agreement. The House amendment provided that we should make increases of salary of \$120 in salaries up to \$2,000, and excepted from its provision certain classes, and also, in addition, incorporated the limitation requiring eight hours of labor, known as the Borland amendment. The Senate adopted a different provision, not only eliminating the Borland amendment but extending to higher salaried classes of employees to which the salary increase is to be granted, and also making further limitation as to certain additional classes that should be excepted. The suggestion or motion of the gentleman from Colorado and the gentleman from Massachusetts is not to bring the two Houses together.

If the gentleman from Massachusetts or the gentleman from Colorado would move to concur in the Senate amendment it would leave out the Borland amendment, because the Senate amendment leaves it out. What are they trying to do by indirection? They are trying to move to disagree to the Senate amendment, not only as to the various differences in dispute—namely, increasing the classes to whom this extra compensation may be paid from \$2,000 to \$2,500—but also as to the excepted classes to whom it shall not be given. That does not bring the two Houses any nearer together; you can not do that by moving as a substitute the House provisions with a portion of it stricken out, when the Senate amendment leaves out the very provision that they wish to have eliminated. There are in disagreement two other provisions in the Senate amendment which are not included in the House amendment. You can not obtain this by indirection, by a motion to reeide and concur, when you do not in effect concur at all, but merely put the two Houses back into the original stage of disagreement. This puts them back into this stage under the color of a motion to reeide and concur with an amendment, but which, in fact, does not concur.

Mr. GREENE of Massachusetts. Mr. Speaker, I made the motion with the intention of getting at the Borland amendment, and I am not going to yield on that.

Mr. BORLAND. I understand the gentleman wants to increase expenses.

Mr. GREENE of Massachusetts. Oh, the gentleman need not bother about that; I shall attend to that.

Mr. KEATING. Mr. Speaker, I think the motion made by the gentleman from Massachusetts [Mr. GREENE] does bring the two Houses much nearer an understanding. There are three points in controversy in this Senate amendment.

Mr. CRISP. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. KEATING. Certainly.

Mr. CRISP. I think I can suggest a remedy to gentlemen which will terminate this discussion and give everyone an opportunity to put the House on record as to the Borland amendment. Why not let the motion of the gentleman from

Tennessee [Mr. BYRNS] prevail—that the House further insist on its disagreement and ask for a further conference, and, pending the appointment of the conferees, let a motion of instruction be made, instructing the House conferees to reeide from the Borland amendment; and if a majority of the House wants to reeide, it can so instruct the conferees and they will reeide.

Mr. KEATING. Mr. Speaker, that was the thought I had in mind from the beginning—to endeavor to instruct the conferees to drop the Borland amendment—but my friend from Massachusetts [Mr. GREENE] made his motion, and I thought it might be well to bring it up in that form. The suggestion of the gentleman from Georgia will reach the point, and if the Speaker will recognize the gentleman from Massachusetts at the proper time to make the motion to instruct the conferees to drop the Borland amendment, I think it would be well to accept the suggestion and end this controversy.

The SPEAKER. The Chair will do that.

Mr. BORLAND. Would it be in order to instruct the conferees to insist on the Borland amendment? Would not an affirmative instruction be in order as well as negative instruction?

The SPEAKER. It is as broad as it is long. If the motion suggested by the gentleman should prevail, then the motion of the gentleman from Massachusetts would be superfluous; and if the motion of the gentleman from Massachusetts should prevail, the suggested motion of the gentleman from Missouri would be superfluous. Let us get through with this other first. The question is on the motion of the gentleman from Tennessee that the House further insist on its disagreement to Senate amendments numbered 38 and 90, and ask for a conference.

The motion was agreed to.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to instruct the conferees to reeide from the Borland amendment.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the conferees be instructed to reeide from the Borland amendment.

The question was taken.

Mr. BORLAND. Mr. Speaker, is it in order to move to amend the motion of the gentleman from Massachusetts, that the conferees shall further insist on the Borland amendment?

The SPEAKER. That has all been passed. That was included in the motion of the gentleman from Tennessee.

Mr. BORLAND. Is the motion of the gentleman from Massachusetts debatable?

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry. Was not the House dividing?

The SPEAKER. Yes; the House had begun to divide. It is too late to debate the motion.

Mr. BORLAND. I should like to be heard upon the gentleman's motion.

The SPEAKER. The House had begun to divide.

Mr. BORLAND. I was on my feet calling the attention of the Speaker—

The SPEAKER. The Chair is not a mind reader and he can not tell what a Member is up for unless the Members says it.

Mr. BORLAND. Well, never mind.

Mr. JOHNSON of Washington. Mr. Speaker, I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. KEATING) there were—ayes 149, noes 77.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors; the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 150, answered "present" 3, not voting 137, as follows:

YEARS—131.

Ashbrook	Crosser	Ferris	Hollingsworth
Austin	Dale, Vt.	Fess	Huddleston
Baer	Dallinger	Foehrt	Hull, Iowa
Beakes	Davidson	Fordney	Igoe
Bland	Delaney	Freeman	Ireland
Britten	Dempsey	French	Johnson, Wash.
Burroughs	Denton	Gallagher	Juul
Campbell, Kans.	Dill	Glynn	Kearns
Cannon	Dowell	Good	Keating
Cantrill	Dupré	Graham, Ill.	Kennedy, R. L.
Carlin	Dyer	Greene, Mass.	Kraus
Cary	Ellsworth	Hadley	Lenibach
Clark, Pa.	Elston	Haskell	Linthicum
Coady	Emerson	Hawley	Littlepage
Cooper, Wis.	Esch	Hersey	London
Copley	Evans	Hilliard	Lonergan
Crago	Farr	Holland	Longworth

Lundeen	O'Shaunessy	Rogers	Tilson
McAndrews	Palge	Sabath	Tinkham
McArthur	Parker, N. J.	Sanders, Ind.	Towner
McCulloch	Parker, N. Y.	Sanford	Vestal
McKinley	Peters	Schall	Volstead
McLemore	Phelan	Scott, Iowa	Walton
Madden	Pou	Sherwood	Watkins
Martin	Pratt	Smith, Mich.	Watson, Va.
Meeker	Purnell	Smith, C. B.	Wheeler
Merritt	Ramsey	Steenerson	White, Me.
Mondell	Ramseyer	Stiness	Williams
Morgan	Randall	Sweet	Wilson, Ill.
Nelson	Rankin	Switzer	Wood, Ind.
Nolan	Reavis	Tague	Young, N. Dak.
Olney	Roberts	Temple	Zihlman
Osborne	Rodenberg	Thompson	

NAYS—150.

Alexander	Drane	Langley	Shackelford
Almon	Dunn	Larsen	Shallenberger
Anderson	Eagle	Lazaro	Sherley
Anthony	Fairfield	Lobeck	Shouse
Aswell	Fisher	McClintic	Sinnott
Ayres	Flood	McCormick	Slayden
Bankhead	Gandy	McKenzie	Slemp
Barnhart	Gard	McKeown	Small
Bell	Garner	McLaughlin, Mich.	Snook
Bethlin	Garrett, Tex.	Magee	Stafford
Black	Gillett	Mansfield	Steagall
Blackmon	Godwin, N. C.	Mapes	Stedman
Blanton	Goodwin, Ark.	Mays	Stephens, Miss.
Borland	Gordon	Moon	Stephens, Nebr.
Brand	Gould	Moore, Pa.	Sterling, Ill.
Browne	Green, Iowa	Moores, Ind.	Sterling, Pa.
Brumbaugh	Greene, Vt.	Mott	Stevenson
Buchanan	Gregg	Nicholls, S. C.	Taylor, Ark.
Burnett	Hamlin	Nichols, Mich.	Taylor, Colo.
Byrnes, S. C.	Hardy	Norton	Thomas
Byrnes, Tenn.	Harrison, Miss.	Oldfield	Tillman
Candler, Miss.	Harrison, Va.	Oliver, Ala.	Venable
Caraway	Hastings	Overmyer	Vinson
Carter, Okla.	Haugen	Overstreet	Waldow
Classon	Hayden	Padgett	Walker
Claypool	Heidlin	Park	Walsh
Cleary	Helm	Platt	Weaver
Connally, Tex.	Helevering	Quin	Webb
Cooper, W. Va.	Hensley	Raker	Welling
Cox	Hicks	Rayburn	Welty
Cramton	Houston	Reed	Whaley
Crisp	Hull, Tenn.	Robbins	White, Ohio
Currie, Mich.	Johnson, Ky.	Robinson	Wilson, La.
Decker	Jones	Romjue	Wilson, Tex.
Dent	Kehoe	Rouse	Wingo
Dickinson	Kennedy, Iowa	Rubey	Wise
Dixon	Kincheloe	Rucker	Woodard
Doolittle	Kinkaid	Russell	Wright
Doremus	Kitchin	Scott, Mich.	Young, Tex.
Doughton	La Follette	Sells	

ANSWERED "PRESENT"—3.

Booher	Lee, Ga.	Talbott	
NOT VOTING—137.			
Baeharach	Fairchild, G. W.	Kelly, Pa.	Rowe
Barkley	Fields	Kettner	Rowland
Bowers	Flynn	Key, Ohio	Sanders, La.
Brodbec	Foss	Kiess, Pa.	Sanders, N. Y.
Browning	Foster	King	Saunders, Va.
Butler	Francis	Knutson	Scott, Pa.
Caldwell	Frear	Kreider	Scully
Campbell, Pa.	Fuller, Ill.	LaGuardia	Sears
Carew	Fuller, Mass.	Lea, Cal.	Siegel
Carter, Mass.	Gallivan	Lesher	Sims
Chandler, N. Y.	Garland	Lever	Sisson
Chandler, Okla.	Garrett, Tenn.	Little	Sloan
Church	Glass	Lufkin	Smith, Idaho
Clark, Fla.	Goodall	Lunn	Smith, T. F.
Collier	Graham, Pa.	McFadden	Snell
Connelly, Kans.	Gray, Ala.	McLaughlin, Pa.	Snyder
Cooper, Ohio	Gray, N. J.	Maher	Steele
Costello	Griest	Mann	Strong
Curry, Cal.	Griffin	Mason	Sullivan
Dale, N. Y.	Hamill	Miller, Minn.	Summers
Darrow	Hamilton, Mich.	Miller, Wash.	Swift
Davis	Hamilton, N. Y.	Montague	Templeton
Denison-	Hayes	Morlin	Timberlake
Dewart	Heaton	Mudd	Treadway
Dies	Heintz	Neely	Van Dyke
Dillon	Hood	Oliver, N. Y.	Vare
Dominick	Howard	Polk	Voigt
Donovan	Humphreys	Porter	Ward
Dooling	Husted	Powers	Wason
Drukker	Hutchinson	Price	Watson, Pa.
Eagan	Jacoway	Ragsdale	Winslow
Edmonds	James	Rainey, H. T.	Woods, Iowa
Elliott	Johnson, S. Dak.	Rainey, J. W.	
Estopinal	Kahn	Riordan	
Fairchild, B. L.	Kelley, Mich.	Rose	

So the motion to recede was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. BOOHER with Mr. TREADWAY.

Mr. TALBOTT with Mr. BROWNING.

Mr. DALE of New York with Mr. DENISON.

Mr. CHURCH with Mr. CHANDLER of New York.

Mr. LUNN with Mr. ELLIOTT.

Mr. GRIFFIN with Mr. GRIEST.

Mr. HOOD with Mr. HEATON.

Mr. HOWARD with Mr. FOSS.
 Mr. SCULLY with Mr. KNUTSON.
 Mr. JACOWAY with Mr. HAYES.
 Mr. KETTNER with Mr. LITTLE.
 Mr. LEE of Georgia with Mr. MCFADDEN.
 Mr. POLK with Mr. MILLER of Minnesota.
 Mr. PRICE with Mr. ROWLAND.
 Mr. RAGSDALE with Mr. SANDERS of New York.
 Mr. VAN DYKE with Mr. DILLON.
 Mr. HENRY T. RAINY with Mr. FREAR.
 Mr. SEARS with Mr. STRONG.
 Mr. SANDERS of Louisiana with Mr. GRAY of New Jersey.
 Mr. BARKLEY with Mr. CARTER of Massachusetts.
 Mr. CLARK of Florida with Mr. COOPER of Ohio.
 Mr. CONNELLY of Kansas with Mr. BACHARACH.
 Mr. BRODBECK with Mr. CHANDLER of Oklahoma.
 Mr. DEWALT with Mr. COSTELLO.
 Mr. COLLIER with Mr. BOWERS.
 Mr. STEELE with Mr. BUTLER.

Mr. CAMPBELL of Pennsylvania with Mr. GRAHAM of Pennsylvania.

Mr. GALLIVAN with Mr. DAVIS.

Mr. DOMINICK with Mr. GOODALL.

Mr. CAREW with Mr. BENJAMIN L. FAIRCHILD.

Mr. DONOVAN with Mr. EDMONDS.

Mr. DOOLING with Mr. DARROW.

Mr. FIELDS with Mr. GARLAND.

Mr. FLYNN with Mr. FRANCIS.

Mr. ESTOPINAL with Mr. HAMILTON of Michigan.

Mr. GLASS with Mr. HAMILTON of New York.

Mr. FOSTER with Mr. FULLER of Illinois.

Mr. GRAY of Alabama with Mr. KAHN.

Mr. HAMILL with Mr. HUTCHINSON.

Mr. HUMPHREYS with Mr. HUSTED.

Mr. KELLY of Pennsylvania with Mr. JAMES.

Mr. LEA of California with Mr. KING.

Mr. LESHER with Mr. MC LAUGHLIN of Pennsylvania.

Mr. LEVER with Mr. KELLEY of Michigan.

Mr. OLIVER of New York with Mr. MASON.

Mr. MAHER with Mr. KIESS of Pennsylvania.

Mr. NEELY with Mr. MUD.

Mr. RIORDAN with Mr. KREIDER.

Mr. SAUNDERS of Virginia with Mr. ROWE.

Mr. SISSON with Mr. LUFKIN.

Mr. THOMAS F. SMITH with Mr. SIEGEL.

Mr. SUMNERS with Mr. SLOAN.

Mr. SIMS with Mr. SWIFT.

Mr. SULLIVAN with Mr. SNELL.

Mr. JOHN W. RAINY with Mr. TIMBERLAKE.

Mr. CALDWELL with Mr. WARD.

Mr. EAGAN with Mr. WASON.

Mr. DIES with Mr. WINSLOW.

Mr. TALBOTT. Mr. Speaker, did the gentleman from New Jersey [Mr. BROWNING] vote?

The SPEAKER. He did not.

Mr. TALBOTT. Mr. Speaker, I desire to withdraw my vote of "aye" and answer "present." I am paired with the gentleman from New Jersey [Mr. BROWNING].

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

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors. The Chair announces the following conferees:

The Clerk read as follows:

Messrs. BYRNS of Tennessee, EVANS, and STAFFORD.

LEAVE OF ABSENCE.

Mr. FORDNEY. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. EDWARD L. HAMILTON, because of sickness in his family.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORDNEY] asks unanimous consent for indefinite leave of absence for his colleague from Michigan [Mr. HAMILTON] on account of illness in his family. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. DYER. Mr. Speaker, in connection with the conference report I have a letter from the subtreasurer at St. Louis. Mr. Vandiver, concerning the Subtreasuries and their work. I would like to insert that in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print a letter from the Hon. W. D. Vandiver, Subtreasurer at St. Louis. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT,
UNITED STATES SUBTREASURY,
St. Louis, Mo., April 23, 1918.

Hon. L. C. DYER,

House of Representatives, Washington, D. C.

DEAR MR. DYER: Complying with your request, I drop you a line regarding the Subtreasuries.

This office alone last year handled \$350,000,000 of actual cash, receipts and disbursements. The appropriations for salaries of the office being only \$31,500, you will see that the cost is considerably less than one one-hundredth part of 1 per cent of the money handled. I think I am safe in saying that no other institution of any kind in the country can show a better record than this, even if as good, and the other Subtreasuries have about the same record as this one.

Two mistaken impressions seem to have prevailed among Members of the House of Representatives who had not carefully studied the situation:

First. That the Subtreasuries are an advantage only to the cities in which they are located. The truth is that this Subtreasury serves most of the banks in seven States, besides a number of others outside, and each of the other Subtreasuries serves a corresponding territory, so that altogether they serve practically all of the banks in the United States, and in serving the banks, of course, they serve the business public; and it would be a great hindrance and delay to their business if it had to be sent to Washington, as a large part of it would necessarily have to be sent there if the Subtreasuries were abolished, because no well-informed person would be willing to have the trust funds of the Government held in private institutions.

Second. It seems to have been assumed that striking out an appropriation for the Subtreasuries would just save the Government that much money. On the contrary, that part of the work which would be done in Washington would cost at least as much, if not more, besides the inconvenience and delay in the transaction of business, and that part of it which would be transferred to the Federal reserve banks would be done by money counters and tellers who are drawing about 25 per cent higher salaries than those who are now doing it in the Subtreasuries; and as it is strictly Government work would have to be paid for by the Government, no difference where it is done, and hence would cost in the end considerably more than it is costing now. In short, I am convinced that the change instead of saving the Government a dollar would cost \$100,000 more than it now costs.

This, in brief, is the true situation with reference to the Subtreasuries. If there is any point about it that is not clear, I will be glad to make it so.

Very truly yours,

W. D. VANDIVER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed, with amendments, the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. SMITH of Maryland, Mr. POMERENE, Mr. HOLLIS, Mr. DILLINGHAM, and Mr. JONES of Washington as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 4154) granting to the trustees of the Methodist Episcopal Church of Bowdoin, Mont., for the benefit of the Methodist Episcopal Church at Bowdoin, Mont., lots 12 and 13, in block 21, town site of Bowdoin, State of Montana, in which the concurrence of the House of Representatives was requested.

LEAVE OF ABSENCE.

By unanimous consent, Mr. KEHOE was granted leave of absence until June 12 on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. No. 123. Joint resolution providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the President to provide housing for war needs.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

EXTENSION OF REMARKS.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a copy of a letter written to a constituent of mine in regard to war measures.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses on the amendments of the Senate numbered 38 and 90 to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and had appointed Mr. MARTIN, Mr. OVERMAN, Mr. UNDERWOOD, Mr. WARREN, and Mr. SMOOT as the conferees on the part of the Senate.

CONSOLIDATION OF EXECUTIVE BUREAUS, ETC.

The SPEAKER. This is the day set apart to consider the bill S. 3771, which is on the Union Calendar.

Mr. WEBB. Mr. Speaker, I want to see if we can not agree on time for debate.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry. Is this bill properly on the Union Calendar? Should it not be on the House Calendar?

The SPEAKER. The Chair is inclined to think that it ought to be on the House Calendar.

Mr. WEBB. Mr. Speaker, before moving to go into Committee of the Whole I would like to have some agreement as to time for general debate.

Mr. GARNER. If it is on the House Calendar, you are not going into Committee of the Whole.

The SPEAKER. If it is on the House Calendar, the House will not go into the Committee of the Whole.

Mr. GARNER. I did not make the point. I made an inquiry.

Mr. GILLETT. I make the point.

The SPEAKER. The Chair sustains it, and the bill is referred to the House Calendar.

Mr. WEBB. If it is going to be discussed in the House, I want to see if we can not agree on time for general debate, and I would like to ask my brethren on the other side if they will agree to as much as five hours? I do not know that we will use it. I suggest that, however. If they want to cut it, I am willing to cut it lower.

Mr. GILLETT. I would like to suggest to the gentleman that this bill is now on the House Calendar, and therefore there is, technically, no general debate. I am inclined to agree with the gentleman that it may be well to come to an agreement that it shall be considered, as far as debate goes, as if it were in the Committee of the Whole and have general debate. But of course, technically, that can only be done by unanimous consent.

Mr. GARNER. Mr. Speaker, may I make the suggestion—

Mr. KITCHIN. The gentleman from North Carolina [Mr. WEBB], as I understand, is going to ask unanimous consent that general debate continue for so many hours.

Mr. GILLETT. That there shall be general debate?

Mr. KITCHIN. Yes.

Mr. GARNER. Let me suggest to the gentleman that we have general debate and that he control one half the time and some gentleman on the other side control the other half of the time. That would be the orderly course of procedure.

Mr. WEBB. That would be the orderly course. And I ask unanimous consent that general debate on this bill shall not exceed five hours, one-half to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD], the ranking Republican member of the committee, and that the other half be controlled by myself, and debate shall be confined to the bill. That is agreeable to gentlemen on the other side with whom I conferred, and I would not want to take advantage of any body by moving the previous question after an hour's debate or two hours' debate. I want proper debate on the bill.

Mr. VOLSTEAD. Mr. Speaker, since having the conversation with the gentleman in reference to time, I find there are quite a number of others who would like to speak, and who were not taken into consideration in making that agreement. And I would like to ask that the whole day be taken up with general debate.

Mr. WEBB. That would not go more than five hours, I will say to the gentleman.

Mr. GILLETTE. Let me suggest to the gentleman that this is a bill that, of course, we all appreciate is of great importance, and there ought to be, as already agreed, ample debate on the bill itself. I suggest we go on to-day, the time being controlled by the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD], and then when we meet to-morrow we will know whether the time is concluded or not. I think men who want to discuss it ought to have an opportunity to do so.

Mr. WEBB. I will say to my friend that I would much rather that the House agree upon some definite time limit for general debate.

Mr. GILLETTE. We do not know how many men want time in general debate.

Mr. WEBB. And if at the end of that time any men desire to seriously discuss the bill, I will have no objection to some extension of the time.

Mr. GILLETTE. With that understanding it is all right.

Mr. WEBB. I have so stated to the gentleman from Minnesota and other gentlemen. That is my feeling about it.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. With pleasure.

Mr. STAFFORD. Of course, at the end of that time it is the privilege of the gentleman having charge of the bill to move the previous question. Would it not be more satisfactory in the consideration of a bill of this importance, to at the conclusion of the so-called general debate ask that it be considered under the five minute rule for amendment?

The SPEAKER. Has the gentleman from North Carolina [Mr. WEBB] any request to make?

Mr. WEBB. I ask, Mr. Speaker, that general debate be limited to not exceeding five hours, and that the debate be confined to the provisions of the bill, one-half of the time to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half to be controlled by myself.

The SPEAKER. The gentleman from North Carolina asks unanimous consent, the general rules of the House to the contrary notwithstanding, that the general debate on this bill shall not exceed five hours, one-half to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD], and that the debate be confined to the bill. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I think it only fair to state to the House that the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD] are both in favor of this bill. Now, I do not know whether it should be thought proper that some one opposed to the bill should have something to do with controlling the time. I only make that suggestion. I have no desire—

Mr. CANNON. Is there anybody opposed to it?

Mr. GREENE of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GREENE of Massachusetts. Reserving the right to object, I would like to make the point of order that it would be contrary to the rules of the House to limit the general debate simply to the bill.

Mr. GARNER. That is only in Committee of the Whole.

The SPEAKER. This bill is a House bill, and the gentleman from North Carolina has an hour, which he can yield in that time, and the debate would have to be confined to the bill. Is there objection?

Mr. GREENE of Massachusetts. I object to limiting it to the bill.

The SPEAKER. The gentleman objects, and the Clerk will report the bill.

Mr. WEBB. Mr. Speaker, I move that the general debate on this bill shall not exceed five hours, and that one-half of the time shall be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and one-half by myself.

Mr. GREENE of Massachusetts. I do not object to that.

Mr. STAFFORD. Mr. Speaker, that is out of order. The Speaker could not recognize such a motion.

Mr. KITCHIN. As I understand it, Mr. Speaker, it would have to be by unanimous consent.

Mr. MOORE of Pennsylvania. I hope the gentleman will be reasonable.

Mr. WEBB. We are willing to have general debate. The gentleman from Massachusetts [Mr. GREENE] apparently wants to cut it off.

Mr. GREENE of Massachusetts. If we are to have general debate, let it be general debate.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. I want to make a parliamentary inquiry for the benefit of the gentleman from Massachusetts, but I do not believe I can get his attention.

Mr. GREENE of Massachusetts. Of course you can.

Mr. GARNER. If the gentleman from North Carolina [Mr. WEBB] in charge of the bill, should see proper to debate it five minutes and then move the previous question on the bill, what would be the result?

The SPEAKER. The result would be that the Chair would put the motion.

Mr. WEBB. We want to have five hours' debate.

Mr. GREENE of Massachusetts. I am willing to have it. I do not object to five hours. I do object to limiting general debate.

Mr. WEBB. I make that request for unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that, the rules of the House to the contrary, there shall be five hours' general debate on this bill and no more, and that he shall control half the time and the gentleman from Minnesota [Mr. VOLSTEAD] the other half, and that the debate be confined to the bill.

Mr. LONGWORTH. I simply want to understand from the gentleman that in case gentlemen who are not members of the Committee on the Judiciary desire to speak, they shall have opportunity.

The SPEAKER. Is there objection? The gentleman from North Carolina asks unanimous consent that five hours shall be devoted to general debate, notwithstanding the rule, and that he shall have control of one half the time and the gentleman from Minnesota the other half.

Mr. LONGWORTH. I understood the gentleman would be liberal in extending time.

The SPEAKER. Is there objection?

Mr. HASTINGS. Mr. Speaker, do I understand, if this request is agreed to in that form, the debate will not be confined to the bill?

The SPEAKER. Yes.

Mr. HASTINGS. Then I object.

The SPEAKER. The gentleman from North Carolina is recognized for one hour. The Clerk will report the bill.

The Clerk read the bill, as follows:

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

Be it enacted, etc. That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided* That this act shall remain in force during the continuance of the present war and for six months after the termination of the war by the proclamation of the treaty of peace, or at such earlier time as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

SEC. 3. That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

SEC. 4. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 5. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

SEC. 6. That all laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

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

Mr. WEBB. Mr. Speaker, I think there has been much said really of a nature to misrepresent the objects and purposes of this bill. I want to be brief, because I believe that nearly every Member of the House has made up his mind how he expects to vote upon it. The bill passed the Senate by a vote of 63 to 13. It was adopted after it was debated off and on over there for six weeks, and it has been discussed in the public press fully, and I think the House is determined now as to how it shall vote upon this measure.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield? The SPEAKER pro tempore (Mr. GARRETT of Tennessee). Does the gentleman yield?

Mr. WEBB. Yes.

Mr. LONGWORTH. I want merely to suggest this: The gentleman gave the figures by which the bill passed the Senate by a very large majority. It would be well to state that the vote on several of the amendments to the bill were very narrow. In fact, one was defeated by only one vote.

Mr. WEBB. I do not know as to that.

Now, Mr. Speaker, this bill gives the President the power simply to redistribute and coordinate or consolidate the functions, powers, and offices of the executive and administrative branches of the Government in the interest of the national defense, the successful prosecution of the war, and for the more efficient administration of the executive branches of the Government. That is as complete a statement as I can make of the purposes and provisions of the bill in that brief compass.

It will be seen, to detail them just briefly, that in the first section it is provided that for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of the resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is authorized to make such redistribution of functions among executive agencies as he may deem necessary, and so forth.

Then there is a proviso in that section to this effect, that the act shall not continue in force longer than six months after the war is ended. Then there is a second proviso to the effect that the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to the act during the time that the act is in force. The third proviso is that the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

Section 2 provides that the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law; to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another; to transfer the personnel thereof or any part of it, either by detail or assignment, together with the whole or any part of the records or public property belonging thereto.

Section 3 was adopted on the floor of the Senate and provides that the President is authorized to establish an executive agency which shall exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous, and to transfer to such agency all or any moneys heretofore appropriated for the production of airplanes, aeroplane engines, and aircraft equipment.

Section 4 of the bill provides that all money heretofore and hereafter appropriated for use of any executive department, commission, bureau, agency, office, or officers shall be expended only for the purpose for which it was appropriated under the direction of such other agency as may be directed by the President to perform and execute said function.

Section 5 provides that the President, in redistributing the functions among the executive agencies, as provided in this act, if he concludes that any bureau shall be abolished and its duties and functions conferred upon some other department or bureau, or eliminated entirely, he shall report his conclusions to Congress with such recommendation as he may deem proper.

Section 6 repeals all laws and parts of laws contrary to this act and provides that upon the termination of the act all executive and administrative agencies, departments, commissions, and so forth, together with their duties and powers as heretofore or as hereafter provided by law, any authorization of the President under this act to the contrary notwithstanding, shall terminate and go back to the status quo before the bill was passed.

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

Mr. WEBB. Yes.

Mr. RAMSEYER. Under the next to the last section, do I understand the gentleman's interpretation of the bill to be that the President can not abolish a bureau without the consent of Congress?

Mr. WEBB. That is the correct interpretation. He can abolish a bureau temporarily, during the existence of this act. In case he thinks a bureau should be abolished permanently, he is only given the power to report to Congress, with the recommendation as to why he thinks it should be permanently abolished.

Mr. RAMSEYER. He has the power to take one bureau and put it into another or to take two or more and combine them.

Mr. WEBB. That is all, and he is requested to report to Congress if he thinks it should be permanently abolished.

Mr. McCORMICK. Is he requested or required?

Mr. WEBB. The language is "shall report to Congress."

Mr. RAMSEYER. Could the President abolish a department?

Mr. WEBB. Does the gentleman mean permanently?

Mr. RAMSEYER. No; during the war.

Mr. WEBB. He could suspend a department to that extent; yes.

Mr. RAMSEYER. But within six months after the war all the original powers of the department would be restored to it.

Mr. WEBB. Would be restored just as they were before the act was passed.

Now, Mr. Speaker, this House realizes that some such measure as this not only ought to be passed now, but ought to have been passed long ago. The Congress has been trying in some way or other to pass a measure which would enable somebody to coordinate the multifarious administrative and executive branches of our Government, to bring them to a standard out of which we may get the greatest efficiency. Mr. Taft, Mr. Hughes, the Efficiency Board, and Congress itself have realized that situation. There are numerous duplications of work in the departments. Senator Aldrich a few years ago said that the administrative part of this Government ought to be run with a saving of \$300,000,000 a year. He did not mean to criticize Congress for appropriating too much money. His idea was that if good business principles were applied in the executive departments of this Government and if the Government were run as a big business institution \$300,000,000 could be saved annually.

Mr. SMITH of Michigan. When did Senator Aldrich say that? I heard that repeated a great many times, even before I came to Congress. How long ago was it?

Mr. WEBB. It was since I have been a Member of Congress. It must have been 6 or 8 or 10 years ago.

Mr. SMITH of Michigan. What was the amount of the annual expenditure at that time?

Mr. WEBB. I do not remember. I suppose we had gotten up to pretty nearly a billion dollars a year.

Mr. SMITH of Michigan. As much as \$750,000,000?

Mr. WEBB. Somewhere along there.

Mr. SMITH of Michigan. Was not that a pretty large saving to be expected?

Mr. MOORE of Pennsylvania. If that was true then, it is certainly true now.

Mr. WEBB. I think so, because we are spending more money, and the proportion of saving ought to be the same.

Mr. MOORE of Pennsylvania. I want to hear the gentleman's statement. Is the gentleman going to explain these sections a little more in detail? If not, I should like to have some further explanation of section 3, wherein the President is authorized to establish an executive agency in connection with aeroplane production.

Mr. WEBB. I will have to refer my friend to Senator WADSWORTH's speech in the Senate on that subject. I believe he was the author of the amendment, and it was adopted by the Senate. While I do not know the details of his reasons for it, it seems to me a very good provision. The Senate adopted it, I think, by a very large vote.

Mr. MOORE of Pennsylvania. Is it the gentleman's impression that if such an executive agency—because that is the term used—were created, it would take it away from the supervision and oversight of Congress?

Mr. WEBB. Oh, no. As long as Congress has the power under the Constitution to appropriate money, nothing is to be taken away from the Congress, and nothing ought to be. Congress still has control over them all.

Mr. MOORE of Pennsylvania. Throughout the bill I observe there is no provision for a report to Congress of any of the orders or regulations that the President may make under this bill.

Mr. WEBB. No; unless he thinks some department ought to be abolished. Then he shall report to Congress his reasons for it, and let Congress act upon it, to determine what shall be done.

Mr. MOORE of Pennsylvania. Under section 5, if he should deem it wise that Congress should abolish a certain bureau,

he would report to Congress, but in no other instance is he to report to Congress.

Mr. WEBB. No; and they are making transfers every day in the executive departments under authority heretofore granted by Congress. We have given the President and some heads of departments the power to make transfers for the last 10 or 15 years, and have not required them to report to Congress.

Mr. MOORE of Pennsylvania. Suppose the President should transfer the Bureau of Mines to the Food Administration, Mr. Hoover being a mining engineer?

Mr. WEBB. Oh, I hope my friend will not ask any such unreasonable questions as that. The President has both sense and patriotism.

Mr. MOORE of Pennsylvania. I am not asking anything unreasonable any more than the report does, for it offers certain suggestions on this line. I want to know whether the committee would have any objection to providing for a report to Congress by the President of such changes as he may make.

Mr. WEBB. I would object to it.

Mr. MOORE of Pennsylvania. The gentleman would object to it?

Mr. WEBB. Yes. I do not think the President or anybody under him, in a time of war like this, when everybody is straining every nerve to win this war, ought to be required to make a detailed report of every little change that may be made among the 300,000 employees of the Government.

Mr. MOORE of Pennsylvania. If he consolidates two departments, ought not Congress to be informed?

Mr. WEBB. Congress would be informed. There will be a public record of his act and the gentleman can go and examine it after it is filed.

Now, when I was interrupted I was about to say that there is a general acknowledgment of the necessity for some such law as this. Congress has recognized it. Public men generally have recognized it, and this Congress has recognized it. Now, the question is, what is the best way to do it? This bill may not be a perfect solution of the question, but it is the best thing we have had before us so far. The gentlemen who sponsored what was known as the war-cabinet bill realized that something of this sort ought to be done. On January 21, 1918, there was introduced in the Senate by Senator CHAMBERLAIN a bill known as the war-cabinet bill, which among other things provided that this war cabinet should be composed of three distinguished citizens, and so forth. Subsection b under section 2 provides for giving these three distinguished gentlemen the following powers.

I hope gentlemen will listen to this, because the bill was indorsed by Republicans and Democrats alike in the Senate, and it contains this power which was proposed to be used by "three distinguished gentlemen":

To supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far, in the judgment of the war cabinet, as it may be necessary or advisable to do so for the effectual conduct and vigorous prosecution of the existing war.

The gentlemen who drew the bill now being considered might have covered the whole material ground by using that language. That was advocated by many distinguished Republicans in the Senate, and I read it for the purpose of showing that the gentlemen who drew and sponsored this bill recognized the necessity of some means of coordinating and redistributing and readjusting the departments of the Government that are numerously duplicated.

Mr. JOHNSON of Washington. What became of that bill?

Mr. WEBB. It is still pending in the Senate, I believe.

Mr. JOHNSON of Washington. But it has no indorsement.

Mr. WEBB. Yes; I think there was liberal hearings on it, and I think speeches have been made on it. I know the distinguished Senator from New York [Mr. WADSWORTH] made a strong speech favoring it.

Mr. FOCHT. Will the gentleman yield right there?

Mr. WEBB. Yes.

Mr. FOCHT. The gentleman having alluded to this in the course of his argument, does the gentleman believe we should have a war cabinet?

Mr. WEBB. No; I do not think it is necessary. The President is war cabinet enough under the Constitution, and he does not need "three distinguished citizens" to divide his duties.

Mr. FOCHT. Then what becomes of the gentleman's argument upon this bill?

Mr. WEBB. This is the only thing we have looking to the coordination and redistribution of the administrative departments of the Government, and therefore we ought to vote for it. It is the only bill we have before us. Now, Mr. Taft in his message in 1911, as President of the United States, saw the

necessity of some such legislation as this. On March 13, 1911, he sent a message to Congress in which he says:

There has been inadequate means whereby those who serve with fidelity and efficiency might make a record of accomplishment and be distinguished from those who were inefficient and wasteful; functions and establishments have even been duplicated, even multiplied, a useless conflict and unnecessary expense; lack of full information has made intelligent direction impossible and cooperation between different branches of the service difficult.

Senator LODGE offered other reasons, as follows:

In the past, services have been created one by one as exigencies have seemed to demand, with little or no reference to any scheme of organization of the Government as a whole. I am convinced that the time has come when the Government should take stock of all its activities and agencies and formulate a comprehensive plan with reference to which future changes may be made. The report of the commission is being prepared with this idea in mind. When completed, it will be transmitted to the Congress. The recommendations will be of such a character that they can be acted upon by one if they command themselves to the Congress and as action in regard to any one of them is deemed to be urgent.

Now, the Congress provided for the establishment of a commission, or Bureau of Efficiency and Economy. You will find it in Document 1552, Sixty-second Congress, wherein this efficiency board reports:

This vast organization has never been studied in detail as one piece of administrative mechanism. Never have the foundations been laid for a thorough consideration of the relations of all its parts. No comprehensive effort has been made to list its multifarious activities or to group them in such a way as to present a clear picture of what the Government is doing. Never has a complete description been given of the agencies through which these activities are performed. At no time has the attempt been made to study all of these activities and agencies with a view to the assignment of each activity to the agency best fitted for its performance, to the avoidance of duplication of plant and work, to the integration of all administrative agencies of the Government, so far as may be practicable, into a unified organization for the most effective and economical dispatch of public business.

Now, in 1918, this Congress, still reaching out and trying to meet the very situation in the executive departments we are confronted with now, passed the legislative appropriation bill, which contains a provision in section 8 as follows:

The Bureau of Efficiency shall investigate duplication of service in the various executive departments and establishments of the Government, including bureaus and divisions, and make a report to the President thereon, and the President is hereby authorized after such report shall have been made to him, wherever he finds such duplications to exist, to abolish the same. Report of the action taken hereunder shall be made to Congress at its next regular session.

Now, Mr. Speaker, I shall not quote what the distinguished citizen, Mr. Hughes, said on this subject, but he in public speeches has pointed out the necessity for coordination and redistribution of the functions, powers, and offices of the executive and administrative branches of the Government.

I shall also, with the permission of the House, insert some editorials from leading papers—I think most of them Republican papers—but they are to the point and cover the ground very clearly.

Here is a portion of an editorial from The Journal of Commerce and Commercial Bulletin of New York, of March 22, 1918. I will read a part of it:

[Editorial from The Journal of Commerce and Commercial Bulletin (N. Y.), Mar. 22, 1918.]

No doubt a variety of objections will be raised to this, or to anything else making executive action more effective, but it seems to be believed at Washington that it will be passed without material change or any considerable negative vote. It ought to be without any prolonged debate or the too familiar use of excited language. There is really in it no occasion for getting excited. It confers no increased executive power, and would only concentrate its direction and use, so as to make it more prompt and effective instead of running over red tape through a complex variety of machines and coming out in a snarl. The various parts of this machinery are created by legislative action and may be increased or diminished in number or capacity and modified in functions. The great need is to have them work in harmony to accomplish the desired results as perfectly and promptly as may be in a continuous and necessary service. If it were a private business, there would be no doubt or difference of opinion about it. Why in a public service of so much consequence? Are private business men so much more trustworthy than public servants?

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. OLIVER of Alabama. Is it not a fact that practically all of the leading newspapers and magazines have indorsed the bill?

Mr. WEBB. I think that statement is generally true.

Mr. SNOOK. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. SNOOK. In section 1 there is the usual provision, which is carried in all of the war bills, that this shall remain in force during the continuance of the present war and for six months thereafter. Then follows the provision that the termination of the act shall not affect any act done or right or obligation accruing or accrued pursuant to this act. Is it the gentleman's understanding, notwithstanding the first provision in the bill,

that when the war terminates all of these consolidations will continue as they have been consolidated?

Mr. WEBB. Oh, no; they will go back just as they were before the act is passed, unless in the meantime Congress, on the recommendation of the President, has abolished some department or branch.

Mr. SNOOK. This consolidation will exist only during the term of the war unless we have permanent legislation otherwise?

Mr. WEBB. Absolutely. That is what the bill means. Mr. Speaker, some men in an excited moment have argued that this is giving the President too much power; that it makes him an autocrat, and all that sort of thing. I do not think their language is justified, in the least. It certainly is not deserved, because there are distinguished lawyers in the Senate and throughout the country who believe that the President of the United States has now the power to do just exactly what we propose to give him the power to do in this bill, and I desire to read what Senator KNOX said in the Senate upon this question, and we all recognize him as one of the leading lawyers of the country. Here is what he said—

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). Of course, the Chair has no objection to the gentleman reading what a Senator said—

Mr. WEBB. I propose to read from the CONGRESSIONAL RECORD. I am not criticizing what the Senator said, but commanding him.

The SPEAKER pro tempore. It is made the duty of the Chair under the rules of the House to direct attention to the fact that what has been said in the Senate in an official way shall not be commented upon on the floor of the House.

Mr. WEBB. I think that is so, and I am not intending to comment upon it. I merely propose to read what he said as reported in the CONGRESSIONAL RECORD.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, in order to save time I ask unanimous consent that the gentleman from North Carolina may read, as he suggests, from the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. WEBB. Mr. Speaker, I would not, of course, consciously violate even technically any of the rules of the House, but I know the Members of the House know Senator KNOX to be a distinguished lawyer, and I desire simply to quote from the CONGRESSIONAL RECORD, and I am obliged to the House for giving me the privilege of doing so. He said:

I think the President of the United States has the authority to require every executive officer and every department of the Government to do anything that he directs to be done in order to prosecute this war to a successful conclusion. I think he has the power to delegate from one Cabinet officer to another the discharge of any particular duty that he thinks such a Cabinet officer can discharge better than the one upon whom it would normally be incumbent. I do certainly think that the President has all those powers.

If the President of the United States had any autocratic feeling in his bosom, if he desired to run over, as we would say, the wishes of this Congress that by appropriations have established these various branches of the Government, he would do like Abraham Lincoln did—he would cut the red tape without consulting Congress, he would do as Senator KNOX has suggested he has the power to do; and I can not speak too highly of his act or too highly commend the President of the United States in these days, when we talk so much about centralization of power and when the people want to retain in their hands as much as is proper to make this war successful, for his coming to Congress and saying that he would like to have this power granted to him, which great men say that he already has; but instead of ignoring Congress he comes to us and says, "If I did so I would probably be criticized for it, and I would like to have you give me the express and clear power to make these coordinations and redistributions wherever they may be proper and necessary to help win the war. I would like to have your authority." As I say, I can not too highly praise the President of the United States for doing that, rather than taking the step of his own motion, which some Senators and some public men think he has the right to do.

I want now to read what Senator McCUMBER says:

Mr. President, I shall vote for this bill, and I shall vote for it either with the proposed amendments or without the proposed amendments. I think it but fair, however, to say that I do not attach the importance to this bill that has been indicated by the long period of time it has been before the Senate and the long and earnest speeches that have been made both for and against its provisions. All of the important powers that are granted in this bill are either powers that are already inherent in the Chief Magistrate or powers that have been granted specially by the Constitution or powers which we, during this last Congress, have especially delegated to the President. When we examine the full scope and extent of those powers we will find that there are few left to be covered by the provisions of this bill.

I repeat, I can not regard this bill as of the same degree of importance as do many Senators in this body. I am not fearful of the authority that will be exercised under it; but as the President seems to think that he needs the additional authority, as he seems to believe that he can better carry this war to a successful issue if the bill be passed, I am willing to grant the power to him, so that, at least, I shall not be criticized and shall not allow Congress to be criticized by reason of my vote in not supporting the President in everything that he or Congress can possibly deem necessary for the successful prosecution of the war.

Mr. Speaker, there is no unusual power granted in this bill. I can not understand how gentlemen will complain of the power we grant here when they have already within the last 12 months voted to give the President a thousand times greater and more important power to exercise at his discretion. It will not do for men who voted to conscript two or three million of the boys of the country to be turned over to the direction of one man—the President—to say now, "While I voted to trust all of these boys in his care, I am not willing to trust him with the coordination of a few of the executive functions of the Government of the United States." In the food-control bill we gave the President far greater power than it is proposed to give him in this bill. Listen to this language:

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.

That is one of the most magnificent tributes that a Congress ever paid to a President of the United States. We turned over to him the power to practically starve the United States, if he were a bad man and wanted to do it—to absolutely stop all exportations of manufactured or raw material produced in this country. You put it in his discretion to say what articles shall or shall not be exported or received. Let us not now strain at gnats when we have already swallowed camels. We trusted the President then in big things and we will trust him now.

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

Mr. WEBB. Yes.

Mr. IGOE. I would like to call the gentleman's attention to the fact that in section 2 of the food-control bill, authorizing the carrying out of the purposes of the act, the President was given the power to utilize any department or agency of the Government and to coordinate their activities so as to avoid any preventable loss or duplication of effort.

Mr. WEBB. Yes; I am very glad my friend called the attention of the House to that provision. Now, there is another provision of the food-control bill which provides—

That whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessities, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

Gentlemen, if there was to be any talk about a dictatorship, if there was to be talk of the question of powers granted to the Chief Executive, the time was then if there was any time at all, but we trusted the President then as we are going to trust him now. Civilization is so constituted that you must trust somebody in every step in life. You can not sit down and eat a meal without trusting the cook not to put something in it that will kill you. Every time you walk across the street you trust somebody, and in this great war of the world, out of 1,600,000,000 peoples 1,444,000,000 are engaged, the most stupendous and tremendous war that has ever taken place since the morning stars sang together, it is imperative that we trust the Executive head of this great Government, which is now a part and parcel of this conflagration. I appeal to Members on both sides of the House, I appeal to my Republican friends not to vote against this bill on the ground that you can not trust the President whom you so fully trusted before, because you fear he may make some wrong distribution of an executive branch of the Government. I commend Republicans for the splendid patriotism that they have shown since war was declared and I know that they will show the same patriotism now that they have shown heretofore. I have no criticism of the Republican patriotism in their splendid expressions of loyalty to our Chief Executive, the President, who happens to be from a party different from theirs. I appreciate their attitude and I appreciate the attitude of the Republicans on the Committee on the Judiciary, and, as I said in the beginning I can not understand why there should be so much talk and objection to a bill that appears to be so useful and necessary in these serious times and at the same time so harmless, in the hands of a wise man like the President of the United States. He has not abused the power we have given him before and I do not believe there is a man in this Congress who would be willing to say he be-

lieves the President would abuse this power or that he has abused the powers given him by us in the past. Now, that is all that I care to say at the present, unless some gentleman desires to ask me a question.

Mr. ROBBINS. I would like to ask the gentleman what is the purpose of the proviso in line 17, page 2, which reads:

That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

Are not there many other departments of the Government from which this bill is intended to remove the so-called red tape, duplication, and delays?

Mr. WEBB. I think the bill should cover other departments; but this is a war-time measure, and let us confine it to that phase.

Mr. ROBBINS. Then why—

Mr. WEBB. I think all the executive branches ought to be gone over with a fine-tooth comb by some splendid efficiency board and a comprehensive recommendation made to this Congress, so that duplication may be abolished. Why have six or eight auditors in the various departments and many departments doing the same work that other departments are doing? I have printed in the report which I presented on the part of the Judiciary Committee a brief memorandum showing some of the duplications now in the executive branches of the Government.

Mr. FESS. Will the gentleman yield?

Mr. WEBB. With pleasure.

Mr. FESS. Section 5 provides that in case any bureau should be abolished the President could make recommendation here. Section 2, it seems to me, gives him the power virtually to abolish the bureau by transferring all its elements to some other function. Is not that possible?

Mr. WEBB. I think that a bureau can be abolished during the life of this act, but it can not be abolished longer than that unless when the President thinks the bureau ought to be abolished he then shall report to Congress his recommendation, and Congress then must pass a law saying that it shall be abolished; otherwise it would go back as it was before any action was taken by the President under the provisions of the bill.

Mr. FESS. Then, in the gentleman's judgment, there is no irreconcilability of the element—

Mr. WEBB. No; I do not think so. I think it is clear that during the life of the act the President can abolish or suspend the functions of the various executive departments and that his action can not be made permanent until he reports to Congress and Congress ratifies his action in this respect.

Mr. LOBECK. Will the gentleman yield?

Mr. WEBB. For a question.

Mr. LOBECK. This power would cover these commissions and boards which have been made since the war commenced, in some of which work is being duplicated?

Mr. WEBB. It will cover every executive and administrative function of the Government now existing under authority of law passed by Congress.

Mr. LOBECK. It takes in these boards created since the war began?

Mr. WEBB. Which are now established by law. Of course it will not take in executive branches established after this bill is passed, because this bill refers only to those branches now established by law.

Mr. LOBECK. I shall be very glad to vote for the bill.

Mr. WEBB. Before sitting down I believe I will renew my request. I think it is the almost unanimous desire of the Members of the House that we shall have five hours of general debate on this bill, two hours and a half of that to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and two hours and a half by myself—

The SPEAKER pro tempore. The gentleman has occupied 35 minutes.

Mr. WEBB. I desire to have that charged up to me, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that there may be five hours of general debate, one-half of that time to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD] and the 35 minutes used by the gentleman from North Carolina to be charged to him.

Mr. WEBB. And, of course, I want to include in that the request that the debate shall be confined to the bill.

The SPEAKER pro tempore. And that debate be confined to the bill, and at the end of the general debate—

Mr. WEBB. I will have another unanimous-consent request to make.

The SPEAKER pro tempore. The gentleman to retain the right to the floor. The gentleman from North Carolina asks

unanimous consent that there may be not exceeding five hours of general debate, one-half of that time to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD]; that debate be confined to the bill; and that at the conclusion of general debate he may have recognition to prefer a further request if he may desire, or move the previous question. Is there objection?

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

Mr. WEBB. With pleasure.

Mr. WALSH. Does that include that there will be opportunity to discuss this measure under the five-minute rule as in the committee?

Mr. WEBB. It is my purpose at the end of general debate to make such request, if this request is granted for general debate.

Mr. MOORE of Pennsylvania. That would give opportunity to offer amendments?

Mr. WEBB. Yes.

Mr. NORTON. It is not the intention to close general debate to-day, is it?

Mr. WEBB. It depends on whether the House would stay here to-night. Of course, I can not say. I hope to get through with the bill by to-morrow night, anyway.

The SPEAKER pro tempore. Of course, the gentleman will understand that in consideration of the House bill there is really no five-minute rule. The Chair understands the gentleman from North Carolina [Mr. WEBB] desires to arrange that later?

Mr. WALSH. Ordinarily there is no general debate, but just debate.

Mr. SMITH of Michigan. Is it the understanding that the time used by the gentleman from North Carolina [Mr. WEBB] shall be taken out?

Mr. WEBB. Oh, yes.

The SPEAKER pro tempore. That was included. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB]? [After a pause.] The Chair hears none. The gentleman from North Carolina is recognized for 2½ hours, less the 35 minutes which he has used.

Mr. WEBB. Mr. Speaker, I shall occupy no more of the time at present, and I am much obliged to the House for the attention they have given me. [Applause.]

I would like if the gentleman from Minnesota [Mr. VOLSTEAD] would use some of his time.

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, the bill under consideration (S. 3771) is entitled "An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government."

The object of the bill is stated in the first section. It is—for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces.

With this object in view, the bill authorizes the President to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

There are several limitations in the bill. Among these may be mentioned the following:

First, the act shall remain in force only during the continuance of the present war and for six months after its termination.

Second, the authority granted by the act shall be exercised only in matters relating to the conduct of the present war.

In carrying out the purposes of the act, the President is authorized—

(a) To utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law.

(b) To transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another.

(c) To transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

AIRCRAFT EXECUTIVE AGENCY.

Section 3 of the act authorizes the President—to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

A WAR MEASURE.

In determining whether or not this bill should be passed we must take into consideration the position in which the country is now situated. We are engaged in war. The prosecution of this war to a speedy, successful, and victorious conclusion is now the one great task before the American people. War is now more than our chief business. It overshadows and dominates everything else. We have staked everything upon the defeat, the overthrow, and the annihilation of the Imperial German Government. The work before us is by far the greatest undertaking in which the American people have ever been engaged. The situation is such as to demand the utilization of all of our wealth, all our resources, all our institutions, and all the physical, intellectual, and moral strength and power of the American people. Nothing should be reserved in this struggle. The duty and obligation to aid in the prosecution of this war falls upon all alike. Those who can not fight in the trenches must fight at home. War necessarily interferes with the normal business of the country. In like manner, the business of war places new, difficult, and extraordinary activities upon the machinery of our National Government. In considering this bill, we must therefore bear in mind that we are not legislating for times of peace. In granting the power which this bill confers upon the President, we must have in mind the crisis which now confronts the Nation; we must remember the great danger which overshadows the American people; we must recognize the supreme importance of making the National Government as efficient as possible; and we must realize that by every appropriate means we must uphold the hands of the Commander in Chief of the land and naval forces of the United States.

NO TIME TO PLAY POLITICS.

Mr. Speaker, I have studied this bill somewhat carefully. I have read the most of the speeches made on the bill during its lengthy discussion in the Senate. As a member of the Judiciary Committee, I was present and listened to the discussion of the bill there. In reaching a conclusion to support the bill I have not taken in consideration the interests of my party. I am a Republican. I am a strong believer in the principles and policies of the Republican Party. But during the continuation of this war it is the duty of both the great political parties to hold their peculiar political principles and policies in abeyance. All minds and all political parties and all the energies of the Nation should be concentrated on winning the war. We can all stand on a platform of loyalty and patriotism. In accepting volunteers for the Army and Navy we put no political test. In selecting men for the National Army we accepted no one on account of his political faith, and we excused no one because of his party affiliations. Republicans, Democrats, and Socialists are in our training camps, on our warships, in the trenches, and on the firing line. Our brave soldiers and sailors and their officers are not divided into political camps. The fathers and mothers who gave these boys to the country are rightfully thinking of their safety and success on the battle field. That is what they are thinking about. The people at home who are doing war work in numerous lines of activity are not thinking of political campaigns or party success. The nearly 20,000,000 of persons who subscribed to the third liberty loan did not buy bonds as a political contribution. Those who are supporting the Red Cross, the Y. M. C. A., and the splendid activities of the various fraternal and religious organizations are not doing it in behalf of any party or political organization. So Members of Congress, in enacting war legislation, should say to their political prejudices, "Get thee behind me, Satan," move out into the higher and purer atmosphere of loyalty, and stand squarely upon the solid, immovable, and imperishable rock of patriotism.

PROPOSED AMENDMENTS.

I am for this bill as it stands, and I am for it with any amendments that will improve it. But I will not vote for amendments which are based upon the idea that the President can not be trusted with the power herein granted. I will not vote for any amendment which is founded upon the fear that the President will abuse the power herein granted. I will not vote for any amendment which reflects upon the ability, the judgment, or the patriotism of the President. [Applause.]

I regard it as very important that during this war the people shall have confidence in our Chief Executive. It would greatly weaken our Nation in the prosecution of this war if a very considerable percentage of our citizens should lose faith in the man whom they have chosen as the Chief Executive, and who, by virtue of the provisions of the Constitution, is the Commander in Chief of our land and naval forces. To win this war there must be great unanimity of sentiment in favor of its prosecution. A divided nation can hardly conduct a war successfully. Whoever does anything or says anything to shake

the confidence of the people in the man who directs the affairs of the Nation, and commands our Army and Navy, however good his motives may be, is nevertheless detracting from the efficiency and potency of the American people in the prosecution of the war.

What I shall contribute to help win this war probably will not be worth mentioning. But one thing I shall not do. I shall not knowingly do anything that will hinder those who have the responsibility of directing the war. I may not be able to push much, but I shall not pull back. If I can not be a propelling force, I can avoid, and I will avoid, being an obstructionist. [Applause.]

CONSTITUTIONALITY.

It has been charged that some of the provisions of this bill are unconstitutional. It is said that Congress, by passing this bill, would be abdicating its power. It is asserted that the provisions of this bill confer legislative power upon the Executive. I shall not undertake to discuss, at any length, the constitutionality of the provisions of this bill. I revere the Constitution. I do not believe we should vote for laws that are unconstitutional. For myself, however, I do not believe the provisions of the bill are unconstitutional.

I have been in Congress now more than nine years. During this time, in the consideration of almost every important measure, some one has asserted that it was unconstitutional. It is a charge that is frequently made against pending legislation. I do not criticize those who are champions of the Constitution or those who are in the habit of scrutinizing every measure carefully to see that it is not in conflict therewith. In the nine years which I have been in this House many important measures have been passed. Few of them have been held unconstitutional. Even in peace, I think the Congress of the United States can enact almost any legislation that it deems necessary for the public welfare.

I do not believe in the doctrine that in time of war the Constitution is silent, but there are war powers granted in the Constitution. These grants of power should be given the most liberal construction. They apply to a time of great peril. The laws enacted for war purposes are only temporary. They are to cease when peace is restored. I want to preserve the Constitution; I want to perpetuate all of our free institutions; I want to maintain the rights and privileges of every citizen; but defeat in this war would mean the overthrow of our Constitution, the destruction of our free institutions, and the loss of the very rights, privileges, freedom, and liberties which the Constitution vouchsafes to every American citizen.

The Constitution specifically authorizes Congress to raise and support armies; to provide and maintain a Navy; to provide for the common defense and general welfare of the United States; and, further, it specifically declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof." These provisions are clear, specific, broad, and all comprehensive. What is known as the general-welfare clause of the Constitution, in my opinion, was not placed in the Constitution by accident. It was wisely placed there so that Congress would have the power to meet every emergency which would arise. It was placed there in order that the Republic should at all times, and under all circumstances, and in every emergency, have the power of self-preservation. As Members of the Congress, charged with the duty and responsibility of war legislation, it should be an inspiration to us that our forefathers, through the Constitution, did not authorize the Chief Executive or the judiciary to provide "for the common defense and general welfare." That great duty, power, and responsibility was placed upon Congress. We should have this in mind when considering so-called war legislation. I have the greatest confidence in Congress. I believe that Senators and Representatives are doing their utmost to faithfully perform all the sacred duties which the Constitution confers upon them. I do not question the good faith, loyalty, or patriotism of those who do not agree with me. But, for myself, I do not believe that now is the time to split hairs over the constitutionality of proposed war legislation. Doubtful constitutional questions shall not deter me from voting for this bill, which I believe, in some measure, will aid those in authority to lead the American people to the goal of victory. I have great veneration for the Constitution, but while this war lasts, on war measures I shall take a chance on their constitutionality if I am convinced that thereby I can save the life of one American soldier or sailor.

INTERSTATE COMMERCE COMMISSION AND OTHER GOVERNMENTAL AGENCIES.

Since this bill has been under consideration by Congress there has been a demand that certain governmental commissions and boards should be exempted from its provisions. It has been

strenuously argued that its provisions should not apply to the Interstate Commerce Commission, the Federal Reserve Board, the Federal Trade Commission, the Federal Farm Loan Board, the War Finance Corporation, the Government Printing Office, and the Library of Congress. The arguments presented in favor of such exceptions have not appealed to me strongly. To make any exception is to question the judgment and ability of the Commander in Chief of the Army and Navy. This Congress should not do. I was not a Member of Congress when the act was passed creating the Interstate Commerce Commission; but since I have been a Member of this House I have voted for a number of acts largely increasing the power and jurisdiction of this great commission. I believe it has been an efficient and potential agency in the proper regulation and control of our great railways. I believe it has been a most valuable governmental instrument in the interest of the people. I would not vote to abolish it or curtail its power. Indeed, I would prefer to enlarge its authority, extend its power, increase its jurisdiction, and multiply its activities. But the Government has taken over our great railways. They are under the management of the Director General of Railways. Congress by the recent railway act relieved the commission of some of its important duties. The President now has the power to initiate railway rates. The commission may only on petition and hearing modify the rates fixed by the President.

The members of the Interstate Commerce Commission are recognized as able and experienced men. They are well equipped to discharge their duties. They have under them a large force of capable, highly trained employees. If the President, upon whom more than any other man rests the responsibility of winning the war, believes he can utilize the Interstate Commerce Commission or any of its employees to aid in winning this war, I am in favor of him using it. I shall vote to give him the power to do so. I would go further. I would vote to suspend all the activities of the Interstate Commerce Commission during the war if I thought that would hasten victory for our cause or lessen the sacrifices which our soldiers and sailors must make to win that victory.

I am not one who would do aught to hamper the Federal Trade Commission in its work. I have great confidence in this commission. If you will pardon a personal reference, I will state that I was the first in the House of Representatives to introduce a bill to create a Federal commission to regulate and control the great business corporations. I was the first Member in the House to make a speech advocating the establishing of such a commission. The bill was introduced in January, 1912, and the speech was made in February, 1912. This was before any political party in its national platform had proposed, indorsed, or mentioned such a measure. It was nearly three years before the bill was passed creating the Federal Trade Commission. I took great interest in that measure when it was under consideration. Naturally, I would not like to see the work of this great commission halted. Nevertheless, until our foe shall have been vanquished, until our brave troops shall have returned home waving the banner of victory, I am willing, if the President thinks it necessary, that the Federal Trade Commission shall be utilized solely in the work of subduing German autocracy.

There is probably not a single Member of this House who would vote to abolish the Federal Reserve Board. Only a comparatively few would be in favor of abolishing the Federal Farm Loan Board or the War Finance Corporation. The majority of both Houses of Congress have faith in all these great independent commissions. They regard them as permanent governmental agencies. They believe they will serve a highly useful purpose in the years to come. But when the life of the Nation is at stake, when our free institutions are in jeopardy, when all our personal rights and all our property interests are in danger, when we have nearly 2,000,000 men, comprising our bravest and best citizens, under arms confronting the enemy, ready, if need be, to make the supreme sacrifice for their country's sake, let us not waste time and energy and thought and effort in trying to protect any one or all of these commissions from a possible mistake of our President. If the Chief Executive should make a mistake in using the power given him in this bill it would be no killing thing. It could not seriously affect the public at large, because it would be only a temporary loss.

Mr. Speaker, it is seldom that any important matter of legislation comes before Congress that some one does not predict that dire calamities will follow. Generally these predictions do not come true. The most inefficient and dangerous Congress is one that does nothing through fear of evil consequences. The individual who is afraid to act and take the responsibility of his act seldom accomplishes anything worth while. So it is

with nations. Our forefathers took a chance when they promulgated the Declaration of Independence. Lincoln took a chance when he declared himself unreservedly for the preservation of the Union. So Congress may well take a chance in trusting the President. So I say to President Wilson, here is the Interstate Commerce Commission, here is the Federal Reserve Board, here is the Federal Farm Loan Board, here is the War Finance Corporation, and here are all the other governmental commissions, bureaus, and agencies—trusting in your wisdom, trusting in your statesmanship, trusting in your patriotism—here are all these governmental agencies, take them and use them as weapons with which to whip Germany. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. IGOE], a member of the committee.

Mr. IGOE. Mr. Speaker, there has been much criticism of the bill as one conferring tremendous powers on the President. It is said also that it confers legislative functions on the Executive. I feel that these criticisms are unwarranted. Many of the things that could be done under this bill the President now has power to do, and as for the rest, even if the authority asked in this bill did not exist, there is no question but that any changes which the President might deem necessary would be authorized by Congress in individual bills. It does not authorize the creation of additional agencies, so there is no merit in the contention that it confers legislative functions, since all the powers, duties, and offices affected have all been conferred, determined, and authorized by legislative enactment. Some one says, however, he might disturb the Government Printing Office, the Congressional Library, or the Interstate Commerce Commission. Well, we have given to the President the power to draft men of the Nation for military service. We have placed in his hands the control of the food, fuel, railroads, and ships of the country. Why hesitate to give him authority to use existing Government agencies, and powers in the way which will enable him to get the best results in administering the affairs of the Nation?

This war is one between groups of Nations, and the battles are to be won or lost not only in France and Flanders, but in the fields, mines, factories, and homes of the United States as well. We have learned that the most ardent supporters, prior to the war, of preparedness for the Nation, never suggested a program that even remotely approached the preparation which we have found it necessary to make since our entrance into the war. We see clearly that we must centralize and organize if we would bring our efficiency up to the point where the Nation will prove to be the determining factor in the war. What we do, however, must not only be done well, but must be done quickly. Under this bill, if the President believes that the transfer of duties, officers, or powers will promote the efficiency of the Government, he can act immediately. Why should it be necessary to refer each case to Congress for action when time is of vital importance and extended debate and discussion may not be helpful, to say the least? All through the war we have dreaded the cry "Too late"; we have been impatient because results were not more quickly achieved, and yet when this bill, which authorizes quick action is presented, the severest critics of the administration are not willing that the bill shall pass, but would have Congress debate and consider every change that this bill would permit.

Lloyd George, in his famous speech made shortly after the beginning of the present German drive, quoted the Kaiser as having said that the allies would be defeated because they lacked united command.

Allied soldiers and statesmen have at last become convinced that national pride and ambition, and the pride and ambition of individuals, must give way before the admitted need of the hour—a central commander for the allied military forces. This action, long delayed, seems now to be an accomplished fact. Opposing the organized central powers, we now have an organization of the military resources of the nations at war with them, united in purpose and command. Shall not we, the Congress of the United States, profit by this experience and decision? If unity of command and quick decision is necessary on the battle front in France and Flanders, is it not necessary that within our own country we should place in the hands of the President, the Commander in Chief of the Army and Navy and the responsible head of the Nation, all the power and authority we can constitutionally grant, to bring us to that state of efficiency and organization which will make our resources and energies felt to the utmost in this struggle.

I shall support this measure, because it rightfully places and confirms in the hands of the President necessary powers to promote the efficiency of the Government in carrying on this war and to enable us to better meet emergencies as they arise. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, as a member of the committee which reported this bill I desire to present briefly a few observations upon the measure. In the troublous times in which the Nation now finds itself we must see to it that our preparation for and participation in the great struggle is in no way handicapped or hampered by reason of any lack of power or by reason of any duplication of effort. The Chief Executive, as I understand the situation, has asked for this legislation or for legislation of a purport similar to that included within this measure. In my opinion the powers granted are extremely broad, and I have some doubt as to whether or not in their application we do not confer power and authority upon the Executive which was not contemplated by the Constitution and which perhaps may be in violation of its provisions. When we come to transfer, not the personnel, not the officials, but when we come to boldly grant by legislation the right to transfer the functions and authority of boards or departments, which are the creatures of the legislative branch, to individuals or to other boards or departments, that transfer to be brought about by the Executive, it seems to me that we are attempting to confer on the Executive legislative prerogatives, or at least investing him with the power to do what, in creating these boards and defining their functions and authority, was purely a legislative act.

Mr. STEELE. Will the gentleman yield at that point?

Mr. WALSH. Yes.

Mr. STEELE. Will the gentleman be kind enough to refer to what feature of the transfer would be unconstitutional, in his judgment?

Mr. WALSH. Well, for instance, under this bill the Executive could transfer the functions and authority of the Interstate Commerce Commission to the Comptroller of the Currency. He could vest them in one man or in some separate department or in some specific individual. Now, it seems to me, inasmuch as the Interstate Commerce Commission was created by an act of Congress, for us to give the Executive the power to take over something that we have created and say to the Comptroller of the Currency, "These functions, duties, and powers I hereby vest in you"—

Mr. DUPRÉ. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. DUPRÉ. Does not the gentleman answer his own objection when he states that the Interstate Commerce Commission is a creature of Congress? Can not the Congress lodge in some other person the powers that it at first granted to the commission?

Mr. WALSH. I think undoubtedly Congress could pass an act to transfer the functions, duties, and powers of any board or commission to anybody or any other board it saw fit. Congress could pass an act transferring those powers; but for us to grant that power to the Executive, it seems to me would be conferring legislative authority and functions upon the Executive. Congress certainly could repeal the laws creating all these commissions, but I doubt if we can say to the President, "You, sir, can, if you desire, repeal these laws or multiply them to such extent as you wish." It is, in my view, a question involving grave doubts as to its constitutionality.

But I will say to the gentleman from Louisiana that, inasmuch as the question is a doubtful one, and inasmuch as a number of my colleagues upon the committee, who are most distinguished as constitutional lawyers, have seen fit to give the measure the benefit of the doubt, I do not seek at this time to argue at any greater length the constitutional questions involved.

Mr. DUPRÉ. Will the gentleman receive my commendation in that respect, in regard to his course?

Mr. WALSH. Of course, and while I am very much pleased to have the gentleman's commendation, I assure him it would make no material difference whether I had it or not in making up my mind what to do in regard to this measure. But I assure him that I am deeply grateful to know here and now that my attitude on this important bill meets with his distinguished approbation.

I think, Mr. Speaker, that the measure as framed should be amended. I think we ought not to put into the measure two or three of the administrative branches of the Government which might be included. I will enumerate those that I think ought to be excepted, and I trust that the House will see fit to amend the bill in that respect.

In the first place, we have recently by an act of Congress created what is known as the War Finance Corporation. That is a recent piece of legislation that has been passed during this session of Congress but a few weeks ago. We conferred upon it vast powers and grave responsibilities. It is so recent a cre-

ation that it would seem more proper that we should not now say, after having set up this machinery to control the industrial activities and render financial assistance to those activities in preparing for and carrying on our war program, "All your authority, duties, and functions may by a single stroke of the pen be transferred to one individual or to some other tribunal or board."

The same reason, I think, would apply to the Interstate Commerce Commission. We have recently in this House preserved in large measure the rights and the duties of the Interstate Commerce Commission in the amendment which was included in the Railroad Administration bill, in effect preserving its functions as to the rate-making power. Now, having passed upon that question so recently, I submit we ought not to permit the functions of that commission to be transferred to any individual and that power to be divested.

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

Mr. WALSH. I yield to my colleague.

Mr. MORGAN. I am very much interested in the address that the gentleman is making. I serve with him on the Committee on the Judiciary, and I have learned to appreciate his industry and his judgment upon legal matters, as well as his sincerity in all the positions that he has taken. I understand that the suggestions he is making now are really what he thinks will make for the improvement of the measure. But is his objection to placing within this bill the War Finance Corporation based upon the theory that he thinks the President might make a mistake and do the wrong thing and that he might abuse this power and that he can not be trusted? Is that the gentleman's ground?

Mr. WALSH. Well, Mr. Speaker, in reply to my distinguished colleague from Oklahoma, I think the President is just as likely to make a mistake as any Member of Congress. Not a great many days ago we had read to us a very interesting communication which was signed by the Executive, in which he said practically that he had made a mistake in sending to us formerly and formally by means of a letter views which he had upon a certain measure.

Mr. MORGAN. Pardon me just a moment. Does not the gentleman think that is really a recommendation of the President; that he is willing to change his mind and admit that he has made a mistake?

Mr. WALSH. I say that we know he is likely to make a mistake and he is courageous to acknowledge it. But here is a serious situation, and I do not believe that Congress, having created this tremendous corporation with its vast powers and responsibilities, should say within two months practically after that measure becomes a law, "Mr. President, we might have been mistaken in passing that measure, and if you want to capsize it, if you want to distribute its functions and confer its responsibilities upon certain individuals, you are at liberty to do so." There is a further reason which applies to these boards or commissions which I think ought to be borne in mind: They are not wholly executive departments of the Government.

Mr. FESS. Before the gentleman leaves that will he yield to a question?

Mr. WALSH. I will.

Mr. FESS. Section 2, line 21, authorizes the President to utilize the commissions. Under that power I would like to ask the gentleman's opinion. Could the President use the Interstate Commerce Commission by utilizing the power we granted to the Interstate Commerce Commission to fix the rates? Could he so interpret this law that he could fix the rates on the railroads?

Mr. WALSH. I think practically he could, under a fair interpretation of that language.

Mr. FESS. The reason I ask is we had a very specific, discriminatory discussion on that very particular point in Congress and decided one way as against the other. Now, my idea is, Is it possible under the law here to do what Congress refused to allow to be done?

Mr. WALSH. The President under this act that was passed could, I think, directly do that; but he certainly could indirectly divest the Interstate Commerce Commission of its rate-making power and transfer it to some subordinate official or some other department of the Government, and thereby have the rates made that might meet with his approval, which rates might even have been disapproved of by the commission. For instance, he could say to the Director General of Railroads, "I transfer to you, the Secretary of the Treasury and Director General of the Railroads, the power to make rates and regulations respecting the railroads and divest the Interstate Commerce Commission of that power."

Mr. FESS. I think, if the gentleman will permit, that that is very clear in this provision. The question with me was whether under this law we are giving the power indirectly to the President to do precisely what we formerly refused to do?

Mr. WALSH. I believe the gentleman is correct in that, and that he could utilize the commission for that purpose as he suggests.

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

Mr. WALSH. Yes.

Mr. SWITZER. Has not the President the power, under the railroad bill that we passed, practically to fix the rates?

Mr. WALSH. No. I think the amendment that was adopted still leaves that authority with the Interstate Commerce Commission to a certain extent.

Mr. SWITZER. They can merely appeal from the decision, but nobody can enforce anything over his decision, can they?

Mr. WALSH. I think so.

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

Mr. WALSH. Yes.

Mr. IGOE. I want to assure the gentleman that under the railroad bill the President may call upon the Interstate Commerce Commission for advice and assistance and cooperation, and then further there is this blanket authority. He may also call upon any department or commission or board of the Government for such service as he may deem expedient.

Mr. WALSH. Certainly. That is one of the arguments I intended to advance a little later as to why this power should not be given.

Mr. IGOE. But under the railroad-control bill he can do it only as to the powers granted in that bill; but under this act he might, for instance, transfer the food control to some other department of the Government.

Mr. WALSH. That is just the point I was attempting to make. Perhaps I did not make myself clear to my colleague on the Judiciary Committee, the gentleman from Missouri [Mr. Igoe]. The railroad bill gave the President authority to call upon the Interstate Commerce Commission for assistance and information. He has that power now. I also believe that if the President desires he can under existing law make this sort of a transfer: If there is in the Interstate Commerce Commission a chief examiner, I believe that by an Executive order he can say to this chief examiner in the Interstate Commerce Commission, "You are transferred from the Interstate Commerce Commission and are made chief examiner in the Civil Service Commission under the civil-service statute." But that is a different thing than saying to the Interstate Commerce Commission, "Although the statute creating you gave you certain authority, certain duties, and certain functions, we will take those away from you as the Interstate Commerce Commission, and will confer them upon the Secretary of the Treasury," or upon the Assistant Secretary of Agriculture.

There is a further point which, I think, should be borne in mind in connection with this proposed legislation: That these departments of which I have spoken are not purely executive departments of the Government. They are departments that have been created and set up by Congress. They have certain administrative functions, and at least two of them—the Federal Reserve Board and the Interstate Commerce Commission—have semijudicial functions to perform. They hold hearings and hand down decrees or orders; and, in fact, in many of the statutes, and in construing some of the appropriation bills, they are considered as independent Government establishments.

Mr. MORGAN. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Oklahoma.

Mr. MORGAN. Does the gentleman take the position that Congress can not confer judicial or semijudicial power upon an executive body?

Mr. WALSH. There is a difference between judicial power and semijudicial power, just as there is a difference between creating a court and creating a board which may hold a hearing and make a finding. Of course, the gentleman is too keen a lawyer not to appreciate that distinction.

Mr. MORGAN. I know the gentleman is familiar with the Constitution, and he recognizes that there are three kinds of power—legislative, judicial, and executive. There is no such thing as administrative power in the National Government. Administrative power can not be anything unless it is under executive power. There is no such thing as administrative power in the Federal Government, because there are only three powers.

Mr. WALSH. I agree with the gentleman that there are only three classes comprehended within the Constitution, but I will not admit that we do not have boards and tribunals which have been created by Congress that to a certain extent are vested with quasi judicial functions. For instance, the Interstate Commerce Commission is an administrative board and an independent establishment of the Government. It holds hearings upon rate questions and upon other matters and makes findings. Now, while it is not a court, it is not an executive body.

Mr. MORGAN. To be in harmony with the Constitution, must we not regard these semijudicial bodies, as the gentleman calls them, as inferior courts?

Mr. WALSH. No; we can not regard them as inferior courts, because we run up against the gentleman's friend the Constitution in another respect, if you regard them as inferior courts, since their term of office is fixed. If they were a court, we could not limit their term of office.

Mr. FESS. If the gentleman will permit, in the debate in both the Senate and House on the rate-fixing function that was given to the Interstate Commerce Commission, the lawyers of both Houses pointed out that that was judicial, and questioned whether it would be constitutional or not, establishing clearly that there is a judicial function outside of the Supreme Court.

Mr. WALSH. I think it is pretty clearly agreed that that is true. It has come to be recognized in these later days. It is a judicial function exercised by an independent administrative board.

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

Mr. WALSH. I should like five minutes more.

Mr. MORGAN. I hope the gentleman from Minnesota will yield to the gentleman from Massachusetts the five minutes which I failed to use.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Massachusetts.

Mr. WALSH. I thank the gentleman. Now, Mr. Speaker, further in connection with what I have said with reference to the purposes of the bill. Since this Congress declared war, in April, 1917, we have embarked upon a program of legislation which has not only evoked the admiration of the world, but it has been the wonderment of even Members of the legislative branch. Scarcely an act passes this Congress without conferring additional powers and duties. We all appreciate that in order to wage the war successfully the Commander in Chief of our forces must not be hampered, and he must not lack any power and authority to get results, and if he and his advisers feel that effort is being wasted, or that he lacks the authority and power to accomplish results owing to legislative restrictions hitherto imposed, then I say the Congress should see to it that the restrictions are removed.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I do.

Mr. MOORE of Pennsylvania. Why is not some provision made in this bill for the President to report to Congress such transactions as occur under the authority herein granted?

Mr. WALSH. The reason is that the appropriations that are made for these various departments will continue to remain available, and while the transfers may be made, they are only for and during the continuance of the war. If in making the transfers the Executive should hit upon a plan which he felt ought to be made permanent, he is required under section 5 to report his conclusions to Congress with his recommendations. Now, I have no doubt that in readjusting certain of the bureaus, commissions, or boards he will ascertain coordinations that ought to be made permanent, but before they can be made permanent he is required to report to the Congress with his recommendations. Certainly there are many boards or bureaus that could be dispensed with during this war, and their personnel transferred to more essential work.

Mr. MOORE of Pennsylvania. That is only as to offices that may be abolished.

Mr. WALSH. Yes; abolished or transferred, in whole or in part.

Mr. MOORE of Pennsylvania. I was inquiring with reference to such a consolidation as that of placing the Interstate Commerce Commission under the Director General of Railroads, or such a case as I referred to in my question to the gentleman from North Carolina [Mr. Wren], the placing of the Mining Bureau under the Food Administration.

Mr. WALSH. I do not think there is anything that requires him to report to Congress.

Mr. MOORE of Pennsylvania. Does not the gentleman think that Congress ought to maintain its status to that extent?

Mr. WALSH. I have grave doubts as to whether that is of very much importance. Of course, the President in the War and Navy Departments can make transfers of heads of bureaus or officials of the line without reporting to Congress, and I assume that when this is done it will be done by Executive order, of which we will have notice.

Mr. MOORE of Pennsylvania. It is provided in section 1 that he shall make regulations and orders in writing to the heads of departments, and that the regulations and orders shall constitute a public record. But that means only that newspapers

may have access to the records, if they want to, and if they do not Congress is not informed.

Mr. WALSH. I suppose in case one bureau was transferred or abolished, and the gentleman from Pennsylvania had some business with it and attempted to transact it, he would soon find out that it had been either abolished or transferred.

Mr. MOORE of Pennsylvania. That is true, as far as the individual is concerned, but I would think it well to maintain the right of Congress to know what business is transacted even by the President of the United States.

Mr. WALSH. The jurisdiction and rights the gentleman seeks to have preserved are of so little consequence if this measure becomes a law, Congress having released its right to legislate, as far as this measure is concerned, it would not do much good to mourn or grieve over what loss it may sustain in that respect.

Mr. MOORE of Pennsylvania. Surely, if the powers of the Interstate Commerce Commission were placed under the Director General of Railroads, and he was given the power to fix rates, Congress should be informed of it.

Mr. WALSH. That might be of sufficient importance for an amendment.

As I have said, Mr. Speaker, I shall support the measure, but I shall offer an amendment to exempt the Interstate Commerce Commission, and shall also favor propositions which I understand will be offered to exempt the War Finance Corporation and the Federal Reserve Board. I do not believe if these amendments are adopted that we are in any way hampering the power which it is necessary for the President to have to properly direct the war to the victory which we know awaits us. But, Mr. Speaker, I see that my time has about expired, and I ask leave to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore (Mr. VENABLE). Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, when this bill was first proposed I had not fully comprehended all that was intended to be done, and was impressed that it was some sort of a revolutionary movement in the disturbance of the coordinate relations of the three departments of the Government. Upon that impression I was very much averse to a favorable consideration of it. I have probably unfortunately lived considerable of my mental life in the study of political science, and am therefore likely to resist any change by legislation that might fundamentally change the organic features of our Government. One of the characteristic features of our form of government that distinguishes it from all other governments is the nice relationship between the three coordinate departments—and we use the word "coordinate" advisedly, because each is equal to the other.

In the Sixty-third Congress I felt that the executive was extending its functions over the legislative, as an expression of the present President's political theory of the superior influence of that department. I addressed myself to that subject for an hour in this House, calling attention of the Members to the trend toward initiation of legislation by the Executive, making him a legislator rather than an administrator. I provoked considerable adverse criticism from Members on the Democratic side of the House, who seemed to more or less resent my suggestion that the executive was extending its functions over the legislative. I at that time urged that legislation was a matter of Congress and administration of the Executive.

I am just as zealous to-day that each department be inherently permitted to go on with its constitutional functions and not be interfering with the other, as I was then. I read in that discussion from the present President's series of lectures delivered in 1908 in the University of Columbia. Among his utterances was this remarkable statement:

The personal force of the President is perfectly constitutional to any extent to which he chooses to exercise it.

That is, in substance. The President is limited in the exercise of his legitimate functions only by his ability. He should make himself as strong as his ability will permit. Further on, he said:

The law-making part of the Government should be very hospitable to the suggestions of the planning and the acting part of the Government.

I criticized those statements. I know that we are in the cycle of thinking to-day, where if the Executive or anyone else should lash the legislative branch, the Congress, as it has been shown many times during the past few years, it would be rather popular in the country. That is largely due to the indiscriminate and irresponsible criticism of Congress by the press, especially

that part of it that has no regard for either the truth of the statements or the results of misrepresentation and other agencies. They are themselves making appeal to the sensation monger, and too frequently assisted by irresponsibles in high place for just such opposition and such bitter attacks upon Congress. It has long been the fashion for Congress to be used as the scapegoat for the shortcomings of others. If the public thinks the Congress derelict, anything the Executive might demand from Congress would probably be applauded by the public.

That is why I discussed that question before there was any question of war and warned the Members against the dangers of loss of prestige through indiscriminate criticism of the penny-a-liner and the sensation monger. But we are now in war. We must depend for efficiency upon, first, undivided responsibility, and, second, quickness of decision. War demands concentration of power in direction, and that necessitates undivided responsibility. Therefore we must not withhold any necessary power, as I see it, from the President that would seek to demand efficient service in the prosecution of the war, and especially quickness of decision when it is necessary.

For that reason I have voted for measures that are bewildering, and so have you. We have put the entire production of the country under the head of one man because we are in war. We have given over into his hands the power of regulating our everyday food requirements. We have passed over into the hands of one person powers scarcely limited on the food question. We have seen in the exercise of that power a total disarrangement of industry, much of it greatly disquieting. We have passed over into the hands of another man the fuel situation, and nobody would think of doing it if we were not in a crisis. Under the exercise of this dictator we have noticed a total paralysis of the country's business. It was apparent that much of the suffering was due to a failure to grasp the situation, yet no one contends that the power should not be lodged somewhere.

We have passed over into the hands of one man the control of transportation, comprehending an industry of \$20,000,000,000 and an articulate force of nearly 20,000,000 people, or a fifth of our population. I am simply bewildered when I think of the power that man has to-day, and what it will mean if he chooses to abuse it for any ulterior purpose, yet we did it by our vote, with our eyes wide open to what we did and the possible consequences. Yet in the face of this war I think if we had to consider it over again we would do the same thing. We have passed over into the control of the Attorney General's office under the espionage act pretty nearly the freedom of speech for the protection of the country. All of us hesitated. For one of the principles for which mankind has fought and died is to secure this freedom. The chapter of history that records that struggle is our brightest. We have given in a semiofficial way—at least the President has found a way to make this officer his official censor—the power to give out information and to withhold information, pretty nearly determining what the press shall carry in its columns, judged from the material that it prints. Some time ago we passed into the hands of a capital commission power or ability to say whether any industrial organizations shall issue bonds to improve the community or to establish an industry, which virtually controls public as well as private expenditure in every community in the Nation, and when I think of the power that committee has over the funds of the country it is bewildering. Had any citizen ever suggested that the time would come in this democracy where such surrender of the citizens' rights would be done he would have been called hard names. Yet we did it with our eyes wide open. These are but a few of the powers passed over to the President in the last year.

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

Mr. FESS. Yes; I will yield to my friend.

Mr. BANKHEAD. Is it not the opinion of the gentleman from Ohio that the powers conferred upon the Executive by the acts to which he has referred are much more vital and tremendous than are the powers sought to be conferred by this bill?

Mr. FESS. In a careful reading of the bill which I have made, having read it and reread it several times, I do not believe that we are passing over power in this bill that is equal in any way to what we have already done. We have given the President commandeering power of private wealth in a certain degree. However, I think that in this bill we are doing some things that are unnecessary, and I shall vote for two amendments if they shall be offered. I sincerely urge the House to accept these proposals to omit certain institutions.

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

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

Mr. LONGWORTH. The gentleman will recall that the bill creating the War Finance Corporation, as originally brought to this House, left the functions both of the loaning of money and of supervising securities in the hands of one committee?

Mr. FESS. Yes; I recall it distinctly.

Mr. LONGWORTH. The House, however, deliberately separated those functions, and gave to one particular committee the power of loaning money and to another committee the power of supervising securities.

Mr. FESS. Yes; and I think wisely so.

Mr. LONGWORTH. Under this bill the President might co-ordinate those powers back into one committee.

Mr. FESS. I think that is possible, although I had overlooked that. I had called attention, however, in another place, when the gentleman from Massachusetts [Mr. WALSH] was on the floor, where the decree of the House on the railway bill could be made inoperative by this measure.

Mr. GARNER. What will be the material difference if that power should be placed in the hands of one committee?

Mr. FESS. We had some objections to it when it was up as a matter of discussion, thinking it would be better because the two functions were totally different.

Mr. GARNER. I recall that I was one of those who objected, and who thought it ought to be in two different hands; but, essentially, what is the difference between five men controlling the entire outfit or two separate committees?

Mr. GORDON. Both being appointed by the President.

Mr. GARNER. There is an amendment to be offered to this bill excepting two departments of the Government from the operation of it; and I would like the gentleman from Ohio, whose judgment I value very much, to discuss those features if he has the time. One activity of the Government to be excepted is the Federal Reserve System and the other is the Interstate Commerce Commission; and in that connection I want to ask the gentleman, if the House should decide to except those two branches of Government from the effects of this bill would it not be tantamount to saying to the President that with all other branches of the Government he can do as he pleases?

Mr. FESS. I would say to my friend from Texas, in connection with that, that the two institutions that have been created by Congress that are somewhat intermediary—in a sense, administrative, having also the element of the judicial, the Federal Reserve Board, and the Interstate Commerce Commission—I would hesitate to include within the powers of this bill, for they are functions that I do not think should be exercised by the Executive. It is true they are not legislative but, rather, administrative, but so apart as separate institutions that no Executive order should be allowed to change them. I would much prefer to omit from the operations of this bill the Federal Reserve Board and the Interstate Commerce Commission. The financial question, in my mind, is probably one of the most sensitive. It does not appeal to so many people as directly affecting their pocketbooks, as does the Interstate Commerce Commission, because it is a principle rather than a commodity; and the financial situation is such that I have always been afraid that we might go to a flat basis in our circulating medium. I have always been afraid of the soft-money commotion that is being displayed in the demands now for the expansion of credits.

Mr. GARNER. I agree with the gentleman in reference to the timidity of money, but I again call his attention to the fact that if you exempt these two activities of the Government, you virtually say to the President, these are the only two that Congress wants to jealously guard from your interference, whereas I believe that if you leave the bill as it is the President would not dare—I use that word advisedly—interfere with those two functions of the Government to which I have just referred.

Mr. FESS. I would say to my friend that it has been currently stated that, although the bill covers those two organizations, it is not thought that the President will exercise power over them. Indeed, we have been assured that such a thing is not in his mind. I have heard that said. But I do not see why it is any reflection upon the Executive for us to except those two particular institutions, and perhaps also the Finance Corporation, a recently created Government institution.

Mr. GARNER. Under the well-known rule, if you except two, by making those two exceptions you say to the President, for all other purposes you can do as you please, and nobody can anticipate that the President will disturb all the other functions of the Government.

Mr. FESS. I can see that possibility. But I certainly see no unwise in thus protecting Government agencies we do not expect to disturb.

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

Mr. FESS. Yes. I yield to my friend from New York.

Mr. PLATT. Is there any authority granted in this bill to the President to abolish anything?

Mr. FESS. He can abolish by recommending the abolition to the Congress, and Congress, of course, must act before the abolition takes place, which makes Congress the abolition body in the final analysis. But in section 2 he is authorized to so transfer or suspend the function of any bureau, which I think is tantamount to the abolition of it. However, the chairman of the committee and members of the committee say that that abolition would have to be temporary—a mere suspension of the operations of the bureau for a period of time. They insist that this simply suspends the operation during the war, and the suspended bureaus would be reinstated at the close of the war. I am not entirely convinced of the correctness of that statement.

Mr. PLATT. It seems we ought to strengthen some of these things so as to encourage the President to abolish some of the bureaus, boards, and commissions absolutely for the time being at least. There are too many of them.

Mr. FESS. The sentiment which the gentleman from New York has just now expressed is one of the things that will induce me without much reluctance to vote for the bill, especially if certain amendments can be made. I do think there is duplication and reduplication.

Mr. PLATT. There is no question of that.

Mr. FESS. I think there is an immense amount of lost motion. I know that we are not getting the maximum of efficiency out of the departments simply because of a lack of coordination which permits of undue duplication of the various departments. That has been one of the sources of criticism by those of us who have studied into the mechanism of our Government, and is really one of the strongest arguments for the adoption of the budget system, if we could some way or other hit upon a legitimate plan for a budget system, in order to save lost motion and waste of money and energy. That approaches only to the financial, and when we come to the service element, to get the largest results of efficient service out of the money we are expending through these agencies we ought to give the power somewhere to eliminate a great deal of the deadwood and to bring out a better coordination.

Mr. PLATT. I agree with the gentleman absolutely, and I think also that a great deal of the work that is being done in the way of manufacturing great volumes of different statistics might as well be stopped. At the present time we have learned all we can from those statistics and there is no use of continuing them.

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

Mr. FESS. Will the gentleman from Minnesota yield me more time?

Mr. VOLSTEAD. I will yield the gentleman five minutes.

Mr. FESS. I thank the gentleman; he looked pleasant enough to give it to me. The query propounded by the gentleman from New York about the multiplicity of our statistics is quite pertinent. I think that has come to be a joke. Every desk in the House Office Building is flooded with material that is positively fit for nothing save the waste basket. In conversation with a Senator recently who was checking up this very matter I was astonished at his figures which point to this very item of waste. It has gotten to be such a joke that I doubt very much whether very many of our Members read the merest portion of it. Some of it good, no doubt of that; but the truth is it is so profuse, as well as prolix, if not wholly useless, that you do not have the time to discriminate the good from the bad, and most of it goes to the scrap heap. If you undertake to sift it, how much time would you have for anything else? I think that the energies of our Government in the administrative features can be put to a good deal better purpose than simply this publicity business that induces departments to send out representatives to Congressmen's offices and ask them, for example, as I was asked recently, whether they observe the food regulations and all such tommyrot as that. I do not think it is creditable to any body or bureau to have such things as that done. [Applause.]

Mr. PLATT. Does not the gentleman think the Interstate Commerce Commission does rather more than its share in getting out useless statistics, statistics which are useless at this time?

Mr. FESS. Well, I could not speak definitely of that particular organization, because it so occurs that I have not had connection with it so much as I have with some other departments. I think the Agricultural Department here, while it is doing an immense amount of good in publications, especially in instructing the public on the latest in production and caring for products, a great many statistics are being sent

out under its management which are not of value. The marketing feature, for example, has become very profuse in its publicity department, much of which I doubt whether it pays for the paper it is put on.

Mr. PLATT. The Interstate Commerce Commission is still asking for more and more statistics from the railroads as to whether the conductors wear No. 9 shoes or No. 7 shoes, and whether they cut their toenails three times a week or only once a week, and a whole mass of stuff for which there is absolutely no use.

Mr. FESS. Mr. Speaker and Members of the House, I have been one of the Members of the House who have fretted considerably over what seemed to be a useless tardiness in our equipment for war. We are now in the fourteenth month of war, and in some phases of it the situation is not reassuring. I realize how difficult it is to come from nothing to everything. I know how tremendous—I do not know, but I have some notion—what a tremendous problem it is to place the Nation in arms to meet the foe we must face. I do not discount the task. I had an interview very recently with a committee that knows the situation in some of the war work. The interview was sought by me to get at the core of the situation. That committee said that very largely our ineffectiveness in that particular department which is getting so much publicity just now is due, in their judgment, to the fact that we failed in our organization to secure the maximum ability of the country. It appeared we did not have the ability to use what ability we have. That is, the fault is not a lack of ability so much as failure to effect an organization to utilize what we had. That is, they are in one another's way. There is no coordination. This is very apparent to any observer. We have the raw material, the money, and the brains, but lack the management to use what we have. I know the administration is trying to cure this palpable mistake. It at last is accepting leaders, and the entire country applauds that fact, as was displayed when we found Gen. Goethals put at the head of one of the great departments. The whole country immediately felt a confidence and settled down at once in the belief that the maximum result now would be realized, because a builder had taken the place of a mere officer. When Stettinius was given a position which demanded a genius who had proved his work, while I did not know anything about his ability, yet I read in the press everywhere that we would have better results, and everyone readily sensed the confident air which settled on the public mind. Mr. Speaker, no appointment since the war began gave such relief to the country as that of head of shipbuilding. I am absolutely certain that the appointment of Charley Schwab at the head of the shipbuilding movement was regarded Nation-wide as the best thing that could have been done at this hour, when the one need is ships, and yet more ships. The country knows Schwab. It knows him as the genius in building that knows the game from bottom to top. It has settled down to the belief that if ships can be built they will certainly be built. The latest appointment, that of Mr. Ryan, has given further confidence. I do not know anything about him except his reputation, but when he was placed at the head of the aeronautic work the country felt at once that now we will utilize the ability we have in this field of war activity.

Mr. Speaker, on the aircraft situation I have been in sympathy with those who insist we must have better results than are now apparent. If lack of power is the cause, as some pretend to assert, I can not withhold voting the President greater power, when convinced he believes the lack of it cripples efficiency. I will vote him power to coordinate when he says he needs it, and at the same time I am thereby taking the steps necessary to hold him responsible for what is not done where he has the power to do it. I am going, therefore, to vote him this power he has asked Congress to give him, and then we will hold him responsible for what is not done as well as for what is done. In an hour like this, with the inefficient situation complained of, I can not withhold my vote from this measure. [Applause.]

Mr. WEBB. Mr. Speaker, I yield 20 minutes to the gentleman from Ohio [Mr. GARD], a member of the committee.

Mr. GARD. Mr. Speaker and gentlemen of the House, I should support what I deem to be the purpose of this measure i. time of peace. I shall support its present expression in time of war. I make the distinction because I think one part of the bill will have a good effect; at least, I hope it will have a good effect when war's horrors shall have passed. That is in reference to the number of bureaus, commissions, and governing bodies which our body politic at this time has for the performance of its official business. We have bureaus for this, we have bureaus for that, we have bureaus and commissions galore, and we have been drifting, not unconsciously, but we have been drifting consciously into a position, it seems to me, where we

are asking, where we are seeking the General Government to assume the duty of the individual, the community, and the State, because it has always been easy to say in either branch of the Congress of the United States that here is this great United States of ours, something is wanted by this man or this community or this State; let the United States from its vastly superior revenues do the work.

I think that this bill, with the suggested powers it has, of the abolishment of the unnecessary commissions and bureaus, may perform a very useful public service. In this connection, too, I give my individual expression toward the installation of a regularly appointed system for the proper expenditure of our public money. A budget system or some such system as will take into consideration the proper expenditure of our public moneys is one of the things of possible recommendation within this bill. And I am indeed hopeful that when the President of the United States has considered, as of course he will consider, whether any of these bureaus should be abolished, whether upon final consideration it be found that their usefulness no longer exists, then we may have in this Congress a report which will enable us to do that which I think should have been done long ago, and that is to place our financial system of appropriation upon a definite, a distinct, and a proper basis.

Now we come to consider the bill. I said I would support it in time of peace. I support it in time of war because it is highly necessary, I think, that absolutely every department of the United States be placed in a position of responsibility to its utmost endeavors. I favor this law, which will apply the maximum of effort of every department toward the one great task we have in hand and that is the winning of this war. And I think it is that which is expressed in this bill. And I desire briefly to comment upon the bill from a legal standpoint as I see it.

The bill provides for a redistribution of functions among executive agencies. Now, the gist of the whole bill, Members of the House, is that, namely, the redistribution of functions among executive agencies. In the Century Dictionary the word "redistribution" is said to mean "a dealing back; a second or new distribution." I take it that each of us wishes to intelligently formulate in his mind and to give expression thereto by his vote his opinion as to the meaning of this bill, so that he understandingly may vote either for it or against it. And I desire to give you my observations of what this bill means.

I do not think this bill confers a single power of creation upon the Executive. I am of those who believe that the safety of our institutions demands the separation of our governing departments into the executive, the legislative, and judicial. And I think that to endure as we have endured, a Nation of peace, seeking to promote peace, it is essential that the integrity of the Executive, the legislative, and the judiciary be always preserved. In this bill, as I read it, we have an assembling for the redistribution of functions among executive agencies. Now, when we say that what do we mean? Do we mean that something new, unexplored, vast, unknown is given to the President of the United States? Not so. I say it simply means that to the President, to the Commander in Chief of our Army and Navy, is given the power of distribution and redistribution of executive and administrative agencies for the purpose of obtaining the maximum of efficient service.

When we say "redistribution," which is, of course, another way of affirming a distribution, we can not imply the creation of any new body. It seems to me absolutely illogical that anyone here or elsewhere assumes that from the words of this bill are created new offices by the President of the United States.

Mr. GILLETT. Will the gentleman allow a question?

Mr. GARD. Surely.

Mr. GILLETT. Does not the gentleman think that under this bill the President could take away certain duties from an official who by law is given certain duties, and who has to be confirmed by the Senate, and give them to an official who is not confirmed by the Senate, and thereby change our Government and practically nullify the power of confirmation by the Senate?

Mr. GARD. I do not know the particular instance to which the gentleman refers. Will he kindly specify?

Mr. GILLETT. For instance, could he not take away from the head of the Department of Justice, from the Attorney General, his duties, and give them to Mr. Baruch, for instance? I do not know just what his title is.

Mr. GARD. I would not think so, unless it be an executive or administrative function.

Mr. GILLETT. Why not?

Mr. GARD. My idea, I am frank to say to the gentleman from Massachusetts, whose judgment I very much admire and

respect, is that it contains in its language a limitation of redistribution, that there is nothing in the procedure which would be held to increase any existing powers, but that if there be a power, for instance, vested in the Attorney General as the head of the Department of Justice, and for a war purpose, the President of the United States, by proclamation, could say that that power, already vested—no new power—shall be exercised by the Secretary of the Treasury or any other Cabinet officer.

Mr. GILLETT. Or any other executive agency?

Mr. GARD. Or any other executive agency. I go that far. It seems to me that that is absolutely not creating any new power; it is not making any change in recognition of the divisions—legislative, executive, and judicial. It is simply the proper assembling of power.

Now, the bill has been assailed—

Mr. MORGAN. Will the gentleman yield?

Mr. GARD. Yes; I will yield.

Mr. MORGAN. The gentleman has referred to the fact that the chief part of this bill is authorizing the distribution of executive power.

Mr. GARD. Yes.

Mr. MORGAN. Now, then, in section 2 of the bill it refers not only to executive powers, but it says, "Any executive or administrative commission, bureau, agency, and so forth."

Does the gentleman make any distinction between the executive power and administrative power; and if so, what is the distinction?

Mr. GARD. Oh, the words "executive" and "administrative," I assume, in this instance, are held to be almost entirely synonymous, since the first section, which is the power-carrying section, relates to executive agencies. To say in the second section that it relates to executive or administrative commissions is to me saying quite the same thing.

Mr. MORGAN. Does not the gentleman think that the "administrative" must be subsidiary or a part included under "executive"?

Mr. GARD. I do. Of course, the executive is first. The administration is that which acts under the executive power.

When I paused to answer a question a moment ago I was proceeding to discuss objections which I had heard against this bill, they being in effect two in number. One is that the bill is unconstitutional as proposed, because of a delegation of executive power. Now, I do not think the bill carries in a single line of it the delegation of legislative power. It merely provides for a distribution of executive powers, no delegation of legislative powers.

Of course, we are all familiar with the decisions of the Supreme Court, which have recognized that in the upbuilding of this great country of ours it becomes necessary for certain work to be done by bodies having immediate supervision of the same. Therefore the distinction is recognized that while we may not confer legislative authority, still we may confer authority which, under a given state of affairs or conditions, may be exercised. We have this in the commission known as the Interstate Commerce Commission, which, in some degree at least, possesses judicial functions, and in other commissions or departments of the Government we have that particular thing.

Mr. TOWNER. Mr. Speaker, will the gentleman yield.

Mr. GARD. Very gladly.

Mr. TOWNER. I entirely agree with the gentleman that there is no creation of legislative powers under the operation of this bill, but there is a transference of legislative powers, as I think the gentleman will agree with me. For instance, the Supreme Court held, in supporting the rate-making power in the Interstate Commerce Commission, that while that power of making rates was a legislative power, it might be and should be properly delegated to the commission acting for the purpose of doing that administratively and acting under the authority of the legislative power. Now, under the provisions of this bill, that legislative power of making rates, which is now vested in the Interstate Commerce Commission, may be transferred by the President to the Director of Railroads by his order, so that that would be a transference of legislative power under the provisions of this bill, as I think the gentleman will agree.

Mr. GARD. I am very happy to give the gentleman and other Members of the House my own idea as to what the gentleman refers to.

Mr. TOWNER. I do not myself question the transference by Congress of that exercise of power. I think the Congress has the right to say to what body it shall be transferred.

Mr. GARD. Undoubtedly the Congress which created a commission has the right to say whether any other person or any other commission shall exercise its authority. That is entirely constitutional. It is my opinion that the Congress, having conferred upon the Interstate Commerce Commission the rate-fixing

power and having most recently, at the time the control of the railroads was transferred to the Director General of Railroads, still contained in that legislative transfer an adherence to the right of the Interstate Commerce Commission to review railroad rates. Under this bill the power of determining rates must remain where it is, as this Congress has put it, in the hands of the Interstate Commerce Commission, and that the bill does not contain in any provision any authority to create a new board appointed from any outside source to do the work which the Interstate Commerce Commission has been by this Congress legally made potent to do.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. CAMPBELL of Kansas. Is it the gentleman's contention, then, that the President, under the provisions of this bill, could not transfer the rate-making functions of the Interstate Commerce Commission to the Director General of Railroads?

Mr. GARD. It is my contention that that is true.

Mr. GILLETT. Is the gentleman going to explain why that is true?

Mr. GARD. I thought I had done so, but I will try again.

Mr. GILLETT. I confess I did not understand that the gentleman had done so.

Mr. GARD. The expression I sought to convey was this, that the Congress of the United States, having said that to the Director General of Railroads is delegated the management of railroads, giving him the right to initiate rates and having retained, as it has, the power in the Interstate Commerce Commission to review the rates, that is a power that can not be disturbed until this Congress by its act affirmatively transfers the rate-reviewing power to somebody else. I say this Congress can do it, but not under this bill nor by any other authority can the Executive do it.

Mr. GILLETT. Mr. Speaker, will the gentleman yield further?

Mr. TOWNER. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield; and if so, to whom?

Mr. TOWNER. I do not want to interrupt the gentleman from Massachusetts.

Mr. GILLETT. The gentleman can go ahead.

Mr. GARD. I yield to the gentleman.

Mr. TOWNER. I want to make this suggestion to the gentleman: The gentleman says that Congress can do it. When we pass this bill, will not Congress do it? That is the proposition. For instance, let me ask the gentleman this: Supposing that when we passed the other act we had said that that shall be the body that shall exercise the power until the President by executive order transferred it to some other department or independent commission of the Government, would not the gentleman hold then that the President could transfer it? And are we not doing now just what we would have been doing then if that amendment had been adopted? Are we not now saying that we will amend that law and modify it, so that instead of leaving with the Interstate Commerce Commission the function of fixing rates, we give the President the power to transfer that function to whatever other body he desires to transfer it to?

Mr. WEBB. Mr. Speaker, if the gentleman will permit, the President told me that I could tell the House that he had no notion of ever doing what has been referred to.

Mr. GILLETT. That makes no difference, whether he intends to or not. The question is, Are we giving him the power?

Mr. GARD. Yes; we are discussing the question of power.

Mr. GILLETT. Has the gentleman considered the line at the top of page 2, "including any functions, duties, and powers hitherto by law conferred upon any executive department"? The power of the Interstate Commerce Commission was a power conferred by our law, and this gives him the right to transfer that power. Considering that, how does the gentleman except the Interstate Commerce Commission from that provision?

Mr. GARD. I do not make any exception of the Interstate Commerce Commission or any other commission.

Mr. GILLETT. I understood the gentleman to say that he thought this law did not allow the rate-fixing power to be taken away from the Interstate Commerce Commission.

Mr. GARD. My contention is that there is and should be no exception of the Interstate Commerce Commission, or the Federal Trade Commission, or any other of the so-called commissions, because I say that this bill merely gives the power to the President to assemble their executive and administrative powers and duties for a proper distribution. But where Congress has said affirmatively that a right shall exist, that right must endure. If the gentleman will pardon me, there is a distinction between the interdepartmental exchange of activities and rights vested by law. With the interdepartmental exchange

of activities I assume that everyone here is in accord, since that is a matter which is a proper and necessary adjustment of present utilities—things which have been conferred by this Congress upon certain bureaus and commissions and persons.

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

Mr. STAFFORD. I ask unanimous consent that the gentleman may have 10 minutes more, regardless of the time fixed for general debate.

Mr. GARD. If the gentleman makes that request, I ask that he limit it to five minutes.

Mr. STAFFORD. I will make it 10 minutes. I think the House wishes to hear the gentleman.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Ohio [Mr. GARD] be extended 10 minutes, regardless of the time fixed for general debate. Is there objection?

Mr. MADDEN. I object to that. The gentlemen in charge of the time have plenty of time.

Mr. STAFFORD. Neither gentleman has time. The time is more than taken.

Mr. MADDEN. If that is so, I do not object.

Mr. GARD. I do not desire to take the time of the House unduly, but merely wished to afford my explanation.

Mr. MADDEN. I objected only on condition that there was time that could be yielded.

Mr. CANNON. I hope the gentleman will take the 10 minutes. This is a most interesting discussion of the bill.

The SPEAKER pro tempore. There being no objection, the gentleman from Ohio is recognized for 10 minutes.

Mr. BANKHEAD. Will the gentleman yield?

Mr. GARD. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Does the gentleman regard the Interstate Commerce Commission, established by act of Congress, as an executive agency? Would it not be immune from the provisions of this bill, under its language?

Mr. GILLETT. It says—

Including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

It certainly would be covered under one of these expressions.

Mr. GARD. In answer to the question of the gentleman from Alabama [Mr. BANKHEAD] and the interpolation of the gentleman from Massachusetts [Mr. GILLETT], I will say that I think the bill is sufficiently broad to give the President of the United States, if he deems it necessary, the right to ask and have the assistance and cooperation of the Interstate Commerce Commission for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy. But if the gentleman will kindly permit, I desire to return to the point of a moment ago, because some may contend, and perhaps rightfully contend, that there is a distinction between the interdepartmental exchange of activities and the creation of a new right which affects something vested by law. I confess I think there is such a distinction and difference.

Mr. CANNON. Will the gentleman allow me just there?

Mr. GARD. Surely.

Mr. CANNON. The Director of Railways, as I understand, has increased the pay of railway employees about \$300,000,000. Has not the Interstate Commerce Commission heretofore been doing that work?

Mr. GARD. I confess that I am unable to fully answer that question.

Mr. MADDEN. That has not been done by the Interstate Commerce Commission, but by the Wage Board, which the President of the United States appointed to consider the question of a raise of wages.

Mr. ROBBINS. They have made the recommendation.

Mr. MADDEN. They have made the recommendation, and the Director General of Railroads has carried out the recommendation.

Mr. CANNON. As commissions are expressly referred to in this bill, does the gentleman claim that the President can not have the power to designate somebody else, if he sees proper, to increase freight rates, for instance, as somebody else has been designated to increase the wages of employees?

Mr. GARD. I do contend that the President has no power to designate some other person to do that which the Congress necessarily must do; that if there be a change in designation over and above anything vested by law, in so far as the relations of a judicial or a legislative interpretation is concerned, apart from a mere assembling of executive or administrative agencies, the President is without that power and would remain without it under this bill.

Mr. CANNON. Is it possible that I am mistaken when I say that the Interstate Commerce Commission has increased freight rates time and again, after full investigation?

Mr. GARD. The gentleman is correct about that. They have done so. The railroads have initiated the rates, and the commission has reviewed and determined them.

Mr. CANNON. Precisely. And have they not also increased the wages of railway employees?

SEVERAL MEMBERS. Oh, no!

Mr. MADDEN. The Wage Board have done that.

Mr. GARD. I am glad to have the question of any gentleman, and will answer, provided I have the time.

Mr. HICKS. Do I understand the gentleman to make the statement that there is no provision in this bill which will give the President the power to nullify any commission or board created by act of Congress?

Mr. GARD. Oh, no; I do not say that.

Mr. HICKS. What is the gentleman's interpretation?

Mr. GARD. The interpretation of this bill is that, to use the words of the bill, the President has the power to take commission, bureau, agency, office, or officer and assemble the executive or administrative powers of that agency for one purpose, and that purpose is briefly expressed when I say for the national security and defense, because the national security and defense at this time, I assume, is understood to comprehend the administration under legal forms of the Government of the United States during this war emergency.

Mr. CANNON. Will the gentleman yield just there? The wages have been increased by the Director General of Railways.

Mr. GARD. I said to the gentleman that I did not know about that.

Mr. CANNON. The gentleman must have had the document; we all got it a day or two ago. Now, the power would rest with the Director of Railways to increase wages, would it not, and also freight tariffs?

Mr. MADDEN. That was not done under the direction of the Interstate Commerce Commission.

Mr. CANNON. No; but the Director of Railways would fix the wages.

Mr. GARD. The Director of Railways has not fixed the wages.

Mr. CANNON. Who has the power to increase freight tariffs?

Mr. GARD. The Interstate Commerce Commission has the power at this time to determine rates for transportation on railroads, but what I am contending is that under this bill no additional power is conferred on the President of the United States to take that power away from the Interstate Commerce Commission in the absence of authority of legislative enactment by the Congress of the United States designating some other body to do that work. This is a legislative compact, and all that the President purposes to do, as I understand, is to assemble, wherever he finds them, for proper distribution, the administrative and executive forces of the United States, that they may be properly placed where they may be, regardless of departmental name, for one purpose, and that is for the purpose of national efficiency.

Mr. MADDEN. Suppose 20 different branches of the Government were performing the same activities, the President could centralize them into one activity and so not have them duplicated?

Mr. GARD. Surely. We have come, as we all know, to use rather lightly a phrase called "red tape." "Red tape" is merely a popular expression for rules and regulations. It is not a creature of statute, but is composed of rules and regulations of the civil or military department. However that may be, this seems to be the bill which will take that into consideration, to say that the question of rules and regulations with which one department is hedging itself about in jealous adherence of its powers as against the possible encroachment by another department—call it by what name you may—shall be rearranged and redistributed for the greatest efficiency.

Mr. STAFFORD. The gentleman will not deny that the rate-making power now possessed by the Interstate Commerce Commission is a power covered under general language found at the top of page 2, and which has heretofore been conferred by law on the commission.

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

Mr. HICKS. Mr. Speaker, the gentleman from Ohio has been so generous and his discussion of the bill is so interesting that I ask unanimous consent that his time be extended five minutes.

Mr. GARD. Mr. Speaker, I feel that I have occupied more time than my allotment as a member of the committee; and, while I have endeavored to present it in legal analysis, I have no desire for a great deal more time.

Mr. HICKS. I ask that his time be extended three minutes.

Mr. CANNON. I hope the gentleman will take the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARD. I will.

Mr. STAFFORD. I would like to inquire whether under this phraseology the President could not transfer those functions to the Federal Trade Commission?

Mr. GARD. I do not think so. My contention is that functions other than executive and administrative could not be transferred if vested.

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

Mr. GARD. I will.

Mr. LONGWORTH. I am interested in the gentleman's ideas of the powers conferred, and I would like to ask this specific question. Congress has very recently established a War-Finance Corporation and given to it some very important functions, among them the function of withholding three billion and one-half dollars from the people who apply for it. Under this bill could not the President take away from that corporation all or any part of its duties?

Mr. GARD. The President under this bill, as I view it, can transfer from the corporation the gentleman referred to any and all executive and administrative functions which it possesses.

Mr. LONGWORTH. And could give the Secretary of the Treasury the right to give or withhold credit to the extent of three and one-half billion dollars?

Mr. GARD. I am not familiar with the figures; I can only answer in a general way.

I have only to say in conclusion that I support the bill in the language in which it is written so that in this the greatest of the world's armed conflicts, where the Republic of the United States is seeking to maintain democracy, internal and international, it be not hampered or obstructed. [Applause.]

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Alabama [Mr. DENT] for the purpose of offering a conference report.

REGISTRATION FOR MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I submit herewith for printing under the rule the conference report upon Senate joint resolution 124, providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 561).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert "and all male persons."

Also amend the title by striking out the word "or," in line 2, and inserting in lieu thereof "and all male persons."

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House insert the following: "Provided, That students who are preparing for the

ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917"; and the House agree to the same.

S. H. DENT, Jr.,

W. J. FIELDS,

JULIUS KAHN,

Managers on the part of the House.

GEO. E. CHAMBERLAIN,

G. M. HITCHCOCK,

F. E. WARREN,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," submit the following written statement explaining the effect of the action agreed on:

The Senate receded from all of the amendments of the House, except the amendment relating to the exemption of divinity and medical students. On the question of exempting divinity and medical students the conferees agreed that students of both classes who are actually in attendance upon such school on the date of the approval of the act should be exempted. This, of course, would not permit any subsequent entrance as a student at such schools in order to avoid the draft, which seems to have been the principal objection on the part of the House. The House conferees agreed to retain the Senate amendment also as to medical students now in bona fide attendance in medical colleges. This is no more nor less than what the President has actually done under the act of May 18, 1917, by which such students were furloughed until graduation. It was thought, in view of the large number of medical officers who have entered the Army service, that this exception was also important. The health of those who stay at home and support the Army is, of course, a matter of great importance.

S. H. DENT, Jr.,

W. J. FIELDS,

JULIUS KAHN,

Managers on the part of the House.

CONSOLIDATION OF EXECUTIVE BUREAUS, ETC.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, no loyal American would favor this bill in times of peace, and no loyal American should oppose it during this period of war. From a military standpoint, we are fighting the most efficient nation in the world. We must fight efficiency with efficiency. We must fight coordination with coordination. We must fight consolidation with consolidation.

There are many reasons why this bill should pass. In the first place, it is one of the most important war measures that has been brought before Congress. It organizes and centralizes the executive branches of this Government so that they may work with the highest degrees of efficiency during this war. It disposes of red tape. It places the responsibility for the efficient prosecution of this war in the hands of the Commander in Chief, where it belongs. It places the authority for the prosecution of this war in the hands of the Commander in Chief.

We must remove all obstacles and all obstructions to victory. We have gone a little strong on commissions in this country; and while commissions are harmless in peace times, they are absolutely useless in times of war.

I recall the fact that President Lincoln was handicapped by his advisers during the Civil War, and I do not intend that the President shall be handicapped by any vote I cast as a Member of this Congress. I also recall that Gen. Grant would not take command of the Union Army unless he had full command, and with that full and complete command he was able to write those immortal words, "Unconditional surrender."

We are a peace-loving Nation, and God knows we did not seek this war. We are now a nation in arms, and we must put on our armor and look and act like a nation in arms.

One of the most efficient branches of our Government is the Department of Justice, and I desire to commend the masterful way in which that department has been conducted during this war. What Congress should do is to pass these important war measures and the appropriation bills speedily and adjourn, and give the President a full and complete hand to conduct this war.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. GOULD].

Mr. GOULD. Mr. Speaker, I feel it to be a duty that I owe to my fellow countrymen to propose an amendment to the Overman bill which would cover in a comprehensive way the matter of aircraft production. I have heretofore introduced a bill in this House providing specifically for the creation of an office in the Government to handle all aircraft production, and, to my mind, that bill covers the subject in a very thorough manner. But it will take time for that bill to become legislation, if it ever reaches that stage. This same object may be accomplished by an amendment to the Overman bill. An amendment has been accepted by the Senate on this subject, but, gentlemen of the House, that amendment does not specifically create the office of aircraft administrator, an office which is free and clear from all other departments of the Government, for the sole purpose of producing airplanes and all that goes with them. The Wadsworth amendment points the way by suggestion for the possible creation of an executive agency. This amendment reads, as section 3 of the bill:

That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

My proposal is to create an executive administrator or agency for the sole purpose of aircraft production. My amendment reads:

That there is hereby created an executive agency which shall have full jurisdiction and control over all governmental activities in connection with aeronautics except operation; the agency so created shall be in charge of an aircraft administrator, to be appointed by the President, by and with the advice and consent of the Senate; there shall be transferred to such agency for its use all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment and accessories; and, further, the President is hereby authorized to take such other steps as may be necessary to carry out the purposes of this section.

At the proper time I propose offering this amendment and urging its adoption.

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

Mr. GOULD. Yes.

Mr. GORDON. Would not the effectiveness of that amendment be totally and entirely obliterated by the exercise of the other powers in the bill to transfer the same authority to some other department?

Mr. GOULD. It might.

Mr. GORDON. That is the difficulty with the amendment. If we adopt the gentleman's amendment the other provisions of the bill authorize its transfer to another department, so it would not amount to anything.

Mr. GOULD. I suppose so.

Mr. GORDON. It would be a vain thing, then, to adopt the amendment.

Mr. GOULD. The House will have an opportunity to talk that over.

We are only commencing to realize what an enormous subject this matter of aircraft is as applied to this war. It is as separate and distinct from the other branches of the service as the Army from the Navy. We have our land forces and our sea forces, and now we have our air forces. I might better say that we have the most vital need for air forces and for aeroplanes for their use. England has recognized the importance of this and has a separate department to handle the production of aeroplanes. We have all seen the disastrous result of the efforts here in our country to equip our soldiers with planes to protect them. We have been told that our boys in the trenches were compelled to defend themselves with revolvers from enemy aeroplane attacks.

Let us not discuss the question of our failing in the past; let us rather get down to the business of producing aeroplanes for this war, and create a department for that sole purpose, and place a man at the head of that department who shall be accountable only to the President and through him directly to the people. Let us place aeroplane construction where no other department or departments of the Government can get in a tangle as to who is or who is not responsible for failure to produce. We were led to believe—last fall—that an American engine that led the world had been created overnight. Those of us who were engi-

neers, and especially manufacturing engineers, were, to say the least, doubtful. But the screen of official secrecy as to the true condition and official publicity as to the exaggerated condition were so perfect that it was not until our aircraft fiasco had become a matter of public scandal that the people of this country learned something of the status of the matter.

Have you stopped to think, gentlemen, if Germany, with knowledge of the difficulties of aeroplane-engine construction, had wanted to make us helpless in this war for the year 1918 and had an able representative in this country, what advice would he have given? Would he not have appealed to our American enthusiasm, our American pride, and even to our American patriotism, of a sort, and hinted to us, "Develop an engine all your own, beat the world, produce thousands of them; you can do it." Would not this have been the advice of Bernstorff if he had been with us or had left an able representative behind? Germany must have laughed up her sleeve, for she well knew that an aeroplane engine can not be developed overnight, and if we adopted one type of engine and failed to manufacture other types while that one type was being developed our air campaign for 1918 would be a failure.

We started in the race of aeroplane construction for battle use late in 1917. We should have incorporated the details of every good aeroplane engine with merit. We are late in the race now. Let us have an aeroplane department with a man at the head who is responsible only to the President and to the people, that man to be the biggest executive we can get, free from all political activities, free to go ahead and build aeroplanes, free from all departmental red tape, from the suggestions and ideas of those who may have any thought but the production of aeroplanes, aeroplane engines, and aeroplane accessories.

We have had a sad history connected with our start in this war from a manufacturer's standpoint, and, gentlemen, I appeal to you to-day, as a manufacturer and a business man, not so much as a Member of this House. Our people are entitled in this war to not one moment's delay in the production of things we need to fight this war. We have had enough theory; let us get down to the job. We want less official reports of wonders we are doing. We want results, and we want them now. The leaders of our various executive departments are suddenly required to do a business man's job. Speech can not be substituted for deeds. A great executive like Schwab is needed in every leading executive position. A good job has been done in the Shipping Board by his appointment, and good results will be accomplished if he is allowed to work unhindered, and it is your business and that of each one of us here in this House to see that that man is unhampered. Another good appointment is that of Mr. Stettinius in the War Department.

Now, let us create an opportunity for our President to do another good job in the aeroplane situation. It is our duty to create that executive department, free from interference by any other bureau or department, free to do a big job in a big way, accountable to our President direct, accountable to you and me and to all the people of the United States.

This is the people's war—your war and my war—and this country is saying this over and over again, and louder each time. It is the occasion for us to do our duty and do it now. Let us put through this amendment so rapidly that an aircraft administrator can get at his work at once. There are engines to be built, planes to be built—many kinds of planes. We must keep up with this battle. Our boys in the aeroplane service must have the biggest executive in America producing their aeroplanes for them. And we can not afford to let one boy fall to his death before his time if we can help it. It was a wicked thing to put our eggs all in one basket, to spend our money, and what was far more valuable, all our time, in developing one engine, no matter how good. What one of our allies has depended solely on one engine, and it may be conceded that they know something more about war than we do? Germany has not depended upon one engine, and again it can be conceded that we do not know as much about war as Germany.

Gentlemen, if you or I were in business—manufacturing business—and in the spring of 1917 were faced with the problem of producing aeroplanes by the spring of 1918 or going into the hands of a receiver, would we depend solely on one type of experimental and uncompleted engine? Would we spend all the money of our stockholders on that one type? Remember we had not only to develop that engine to a state of perfection where we could, as business men and engineers, say it was ready to be manufactured in great quantities, but we also had to manufacture those engines, install them in planes, and ship them to Europe. All this to keep us out of the hands of that receiver in the spring of 1918. What would you have done as sane business men and manufacturers?

Did we appropriate \$640,000,000 for the sole purpose of hearing that it was spent, or did we have some vague idea that it was to be used in building aeroplanes? Gentlemen, we have appropriated the people's money at a time when every dollar is supposed to be spent to provide means to kill Germans and to keep our boys from being killed by Germans. The people are entitled to know how their money is spent. We ask of them great sacrifices to raise this money, and you and I are accountable to them for its proper expenditure, and ultimately we will have to account to them and to the men who are doing our fighting. What can we tell them about that \$640,000,000?

Were we too proud in the spring of 1917 to ask our allies' advice about this vital subject, as to which they had three prior years of experience and we none? Was England too proud to use our Lewis gun when her need arose? We have finally accepted the famous French 75-millimeter gun in its original form after losing some eight months' precious time in trying to improve it. Why turn our backs on the obviously wise course of profiting by others' experiences?

We need a clean slate, a fresh start; the country demands it, is entitled to it, must have it. The whole aeroplane policy has been wrong from the start. Develop our own motor? Yes; fine, but do not have it the only one. Again, do not let us waste valuable time in getting into a country-wide argument as to who has been at fault—whether this man was right or whether that man was wrong. The main point is we have no aeroplanes and we must have them.

Either Secretary Baker was deceived or he was deceiving the people. If he was deceived, then the men who deceived him ought to go. If he deliberately deceived the people, then he ought to go. In any event, the people of the United States, engaged in the business of war, must have men in charge of that work in whose statements they can have absolute confidence. After this bitter experience the country is going to accept with hesitancy any so-called official statements from this source. We must have investigations. The guilty must be punished, but do not let us spend all our time and energy at this. We are being asked to be patient. We have been patient for a year. War time is not the time to be patient. We have come to the end of ours now. We demand results; we demand a proper expenditure of our money. We say it is a deplorable condition that these great United States with unlimited funds, unlimited resources, could not produce aeroplanes for battle use in a year's time. We demand that the policy that procured this delay be changed at once.

If a man goes to sleep on sentry duty, a handful of men may be lost as a result. If a man goes to sleep on our aeroplane program, the whole country may be lost. The result could not have been any worse if some one had gone to sleep here. Have we even a right to argue this question? We must have an aeroplane head with no one to interfere with him, and if that man fails then another must take his place until we find somebody who can do the work as the American people require.

We have been told in various and sundry reports that one great reason for delay was departmental red tape. Engineers would make certain plans, and then department heads would come along and change those plans or order them to do this and that. For instance, I have been informed that orders were issued over a period of two weeks for five different changes in colors for finishing aeroplanes. Any of you who is familiar with manufacturing knows that the only way to produce results in any plant is to have one man at the head and hold that man responsible. We have seen the delays and troubles in the Shipping Board. How has that problem been solved? By the selection of a great executive—probably one of the greatest executives in our country.

This war is going to be won or lost in the air, and the department which is responsible for the creation of our aircraft equipment should be given that job alone and should not be interfered with by any other department of the Government. It is our duty to-day to create a department with exclusive authority on the subject of the manufacture of aeroplanes, including aeroplane engines, planes, and accessories, a man who can go about his business in this tremendous enterprise without a word of interference from anybody. Give that man unlimited power, unlimited money, and make him free from all possible political connection from either party, and let the American people know that this, their biggest job in the war, is going to be done by some one who is responsible to the American people. It is only in this way that we can save valuable time, every hour of which may mean disaster.

Investigation will show there has been awful delay due partly to the fact that this great subject of aeroplane construction, which should be a department by itself, has been handled in various departments.

The only phase of the whole aeroplane program, which is in reasonably good shape, is the question of training planes, and this has been largely due to the fact that we find training planes at the start and permitted manufacturers to go ahead and make them somewhere near the type and types which they were prepared to produce, but here again these manufacturers constantly received orders to change this part and that part, and sometimes for no apparent reason the production was delayed, but in spite of this we are in reasonably good production of training planes at this time.

Does anyone here know how many of our aviators have been brought back from France because of lack of aircraft equipment? Do you know whether the report is true that examination of candidates for training, in view of ultimately becoming commissioned in the aviation section, has been indefinitely postponed?

After the young men have been trained in the training planes they must advance a step and be trained in what may be called supertraining planes. We have had an example of a very excellent type of supertraining plane at the aviation field here in Washington. This plane contained a small rotary engine and develops enough speed to accustom the pilots to that advanced step in their profession. After that these men must be trained in the actual battle planes and scout planes, which have a still greater speed, and as to which we are absolutely unequipped. Is it not a fact that at this time our men are not being trained in the necessary step between the training planes and the scout planes for the simple reason that we have not got the aeroplanes for them?

This is a new era and one in which false steps resulting in delays may be vital. It will require a brave man, indeed, to accept the position of aircraft administrator and assume all the responsibilities that go with it. But the great difficulty of the job requires a man who is responsible and who can put through his policies without delay, and if those policies are not successful, the discovery will be made promptly, and one step will be enough to cure the harm and a new man can be appointed.

We have seen the kaleidoscopic changes in personnel on the battle front of Europe, and it has only been with these changes that the defense against the Germans has been made successful to date.

Gentlemen, if there was ever any need to create a Navy Department, if there was ever any need to create a department in charge of the Army, if there was ever any need to create a department in charge of anything in our form of government, there is crying need at this time to create an executive agency with absolute charge of aircraft production. Let us not confuse this question with any political discussion of policy.

It is our province in this House to enact legislation, and we are the representatives of the people and should fulfill that obligation. If we have ever had a duty imposed upon us, it is imposed upon us now, and we should not shrink from it for any reason under the sun. We are considering granting to our President in this bill the greatest powers that have ever been granted to any Chief Executive of a democracy, and we should give him the power to create this essential executive agency for aircraft production, and then having created that essential executive agency for aircraft production, leave it to men trained for that work. It is strictly a manufacturer's job, and men trained in manufacturing lines who have had experience in great enterprises should be given the responsibility and the power to make that responsibility effective, and to deliver our aircraft equipment to the Military Establishment. I might be so bold as to suggest that the root of all our difficulties in procuring supplies, equipment, ordnance, and so forth, for the Military Establishment has been due to the fact that we have required our men trained in military arts to suddenly and without sufficient preparation embark upon the greatest manufacturing enterprise the world has ever seen. Leave to industry the producing of materials to fight with and to the military branches of the service the job of fighting.

I appeal to Democrats and Republicans alike and beg you to make no party issue one way or the other of this great question.

Mr. WEBB. Mr. Speaker, I yield 15 minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Speaker, there are but two questions which need concern the House in considering this bill. The first is, Is the proposed measure constitutional? The second is, Is it a wise grant of power? If any shall answer the first question in the negative, of course he can not vote for the bill. No Representative can vote for a measure which he believes to be unconstitutional. He has taken an oath of office to support the Constitution. That, if nothing else, would preclude him lending support to a measure which he believes violates the Constitution. When this bill came first into the Senate its con-

stitutionality seemed a grave question to many of the Senators. As the discussion progressed, however, that contention was generally abandoned and I take it now that no lawyer, if called upon to pass on that question, would give it as his opinion that this grant of power is unconstitutional. If he should think otherwise I am curious to know what provision of the bill, what particular authorization of power, could give warrant for such a conclusion? In what respect does it grant to the President of these United States powers which Congress has not authority to grant him? It deals with agencies created by Congress.

Congress certainly can modify what it has created or abolish its creatures altogether. Therefore its constitutionality would seem to be settled. Then the sole remaining question for us to determine is, Is it wise to grant to the Chief Executive in this time of war the authority proposed in this measure? I answer yes. There is but little authorized here we have not already granted in other measures. This is largely coordination of authorities already bestowed. All that is vital in this bill is contained in 24 lines. Most of the language employed merely sets out the necessity and reasons for this grant of power or else contains limitations upon the exercise of that power. Beginning with the last word in line 8, page 1, and including the remainder of that page and down to and including the first word of line 7 on page 2, appear all that is material in section 1. Beginning with line 21 and reading to the end of the section are the important grants contained in section 2. Section 3 authorizes the President to establish an executive agency to deal with aeroplane construction if in his judgment it may be advantageous so to do.

In this there is no grant of new power, nor does it deprive of powers any existing board heretofore created. Section 4 is a limitation upon the expenditure of funds heretofore or hereafter appropriated. Section 5 is obscure. Just what its real meaning, if any, is I do not believe anyone knows. It certainly grants no new authority, and is possibly merely a request to the President. If a suggestion, it merely requests the President to report to Congress what may be his conclusion after an investigation as to the wisdom of legislation to permanently abolish either departments or bureaus. This is no grant of power, because he has that power now. It is no limitation, because nothing in this bill grants the President power to abolish permanently either departments or bureaus. In my judgment, it could be stricken from the bill without injury. However, I shall not suggest that be done. The proviso contained in lines 13 to 16, inclusive, on page 2, is entirely without force or effect. It says affirmatively that which every lawyer knows to be true; that is, that vested rights accruing under this bill shall not be destroyed by its termination at the end of war. If it had any purpose at all in the mind of the draftsman, it would seem to be to solace some timid soul. It has no legal effect.

It is doubtless true that any Member of this House, had he been writing the bill in the first instance, and had been in entire sympathy with all of its provisions, could have drawn it in much better language and in a more condensed form. Three of the six sections contain all the grants of authority and limitations which are essential. I am not criticizing the bill, but can not refrain from calling attention to the loose manner in which it was drafted. But the question of its form is not vital; and time is of the essence of this matter. Too long already has its enactment been delayed, and I shall resist, therefore, any effort to amend it in any particular. It came to us in this form; let us pass it as it is. Neither its poor construction of sentence or loosely drawn sections can affect vitally its import. Therefore we can afford to overlook inaccuracies and inelegance of construction. The vital thing is to grant to the President at this time the authority so to redistribute and coordinate the various functions of the executive departments of the Government that the highest efficiency may be obtained. When that is accomplished the whole aim and object of the proposed measure will have been attained. Therefore, then, the only question, as it seems to me, that need concern us is the wisdom, or lack of wisdom, of granting to the President the authority sought to be conferred by this measure. If we think he should have this authority, we should vote for this measure without amendments. If we think it unwise to grant him this power, there is but one course open, and that is to oppose it. I repeat this because it is apparent that no constitutional question can be injected. No Member can vote against this proposed bill on that account. For it is apparent that it deals with creatures created by Congress, and therefore Congress has full power to pass legislation modifying in any way it may seem wise to it the powers and functions heretofore bestowed upon these creatures of the legislative will.

The attitude of some gentlemen in both the other branch of the National Congress and this who now seem so solicitous that the Interstate Commerce Commission, the Federal Reserve Board, and the War Finance Corporation shall be omitted from those agencies over which this bill seeks to give the administration full control is to me a subject of some surprise. If I am not mistaken, those Senators and Representatives who seem most to fear that some change in the organization of these governmental agencies may prove hurtful to the people were most vigorous in their opposition to the enactment of the Federal reserve act. They consumed days and weeks in giving vent to their fears that the Federal Reserve Board which was to be created by the act would wholly destroy the financial institutions of this country. Now, to hear them in their expressed fear that should the President be empowered to change in any respect or diminish in the slightest degree the authority of the Federal Reserve Board is tantamount to assaulting the very foundations of free government. They are equally solicitous, or nearly so, that the corporation recently created to control credits shall likewise be excluded from the provisions of this bill. There seems to be with them three sacred things beside which even liberty pales into insignificance. These three holies of holies are the Interstate Commerce Commission, the Federal Reserve Board, and the War Finance Corporation. I do not share their fears. I believe all three of the agencies are vital. I believe the President realizes this as much as they and is in as good a position to know what is best to be done under the circumstances. I feel he is as patriotic. I believe he loves his country as well and is as passionately devoted to our institutions as they and is as loyal to the flag. Therefore I have no hesitation in including these three with other agencies within the grant of authority contained in this bill.

I do this knowingly, because I do not agree with the gentleman from Ohio, who has just expressed a belief that under the provisions of this bill the President has no authority to interfere with the rate-making functions of the Interstate Commerce Commission. I think he would have that power when this bill becomes a law. I think all the executive and administrative agencies heretofore created by Congress and all the boards to administer these agencies come within the provisions of this bill and that all of the functions they now exercise when this measure becomes a law can be changed by the President if he sees fit to do so. I am willing to grant him this authority, and I do not fear he will abuse it. If the changes should be made in order to render more effective these agencies, let them be made.

Why, a year ago by our vote for war we dedicated to the service of freedom the life of every American boy between the ages of 21 and 31 years, and recently we brought within its provisions every boy who shall attain the age of 21 until this war for freedom shall have been won. By our vote we gave these boys' lives and our national honor and existence into the keeping of the President of these United States. By the declaration of war we thus gave to the President the power of life and death. In addition to that, by acts of Congress, we have given him control over all the commerce of this country. He has the power by proclamation to say what shall be transported and what shall be left, what industries may exist and what may be destroyed, what lines of transportation shall be open and what lines shall be closed. After we have granted all these powers and laid upon him all these responsibilities, I am not very solicitous, at least not oversolicitous, that in the carrying into effect of this commission of the American people to preserve our national honor and our national life that some act of his may disturb some private business interest in this country; that he may do something that will lose somebody a profit. I say this because the attempt being made here to grant the President authority over the Interstate Commerce Commission, the Federal Reserve Board, and the recently created corporation to control credits seems to meet with such bitter opposition from some of the Representatives, and met with such intense opposition in the other body. These three institutions deal with finances. The control of either or all of these and a vital redistributing of their functions can not destroy our national life or national honor; it can affect profits and nothing else. So, then, the solicitations of these gentlemen to preserve inviolate all these powers to these three agencies can arise from no other source than the fear that a modification by the President of any of the powers or functions heretofore exercised by either of these agencies may cause somebody a loss of money. I say, they fear it will cause a loss to some one because they, of course, would not object if that change should bring profit. Therefore, I repeat, the only fear that the President's acts in modifying the functions of some or all of these agencies is it may cost some one money, and with that view I have no sympathy.

We have said in our declaration of war that we pledge all our lives and all our fortunes to destroy the military autocracy of Germany. We handed over with these young men all our resources to the President of these United States, and to-day he has the power as Commander in Chief of the Army and Navy of these United States to order Gen. Pershing and those brave American boys fighting with him in France to lay down their arms and furl their colors. He has the power to command every captain sailing an American ship to take that ship into a German port and pull down his flag in abject surrender. We knew he would have that power when we voted the declaration of war because the Constitution makes him the Commander in Chief of all our armies and our navies. If we were not afraid to draw the sword and risk our Nation's honor, our lives, and our resources in his keeping, why then cavil now about granting to him the power to modify the functions of these administrative agencies of government, including those three mentioned? I can not conceive of the motives that would impel one to place in the hands of the President these mighty agencies for good or bad, for weal or woe, that he now has and withhold from him any authority which might enable him more surely and more speedily to crown our sacrifices with victory. We laid on him the duty to protect our national life and national honor and he accepted that great responsibility. Shall we now make our sacrifices and his efforts futile, for fear in the redistribution of the functions of government somebody may make less profits?

Mr. CANNON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. CANNON. The gentleman believes he has the power under this language and under this bill to transfer the duties of the Interstate Commerce Commission to some other body?

Mr. CARAWAY. I have not a doubt about that, sir.

Mr. CANNON. Well, there seems to be some doubt about it from the remarks of the gentleman from Ohio [Mr. GARD]. I agree with the gentleman from Arkansas. I am willing to grant him that power.

Mr. CARAWAY. So am I.

Mr. CANNON. Otherwise you would vote the other way? I agree with the gentleman instead of disagreeing.

Mr. CARAWAY. I agree with the gentleman from Illinois, and I am not afraid to grant the power. As I said before, we have put our national honor in his hands. By the declaration of war we made him the absolute arbiter of the fate of this Nation. We have given him the control of the lives of all the young men of this country between the ages of 21 and 31 years, and I am willing to extend the age limit both up and down, if it is necessary, and I am willing to give to the President of the United States all the Army necessary to win victory in this war. I am not afraid to trust him. And I am not saying that simply because the President of the United States at this particular time belongs to the party of which I am a member. I would do it just as quickly if he belonged to another party. I am perfectly willing to surrender any right that I have, and I am equally willing to help to take from anyone else any right that he may think he has, if it becomes necessary to do so, in order to preserve our national existence. [Applause.]

Mr. DEMPSEY. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. DEMPSEY. As I understand the argument of these gentlemen—and I am not coinciding with their argument—in reference to the Federal Reserve Board and Interstate Commerce Commission, it is this: Not that any money is going to be made or lost, but what they fear is that men, instead of being selected by and with the advice of the Senate, may have their functions transferred to men of less standing who are appointed without the advice and consent of the Senate. In other words, they believe in the Interstate Commerce Commission and the Federal Reserve Board, but they are afraid men of less ability and less standing may exercise the functions of those boards.

Mr. CARAWAY. In other words, they believe the Interstate Commerce Commission and Federal Reserve Board have more knowledge and patriotism than the President of the United States?

Mr. DUPRÉ. Does not, as a matter of fact, the President of the United States appoint the members of the Federal Reserve Board and also of the Interstate Commerce Commission?

Mr. CARAWAY. They fear he has lost his power to choose good men.

Mr. DEMPSEY. "By and with the advice and consent of the Senate"; perhaps somewhat controlled by the knowledge that they would have to be agreed to by the Senate.

Mr. CARAWAY. It is rather peculiar that the men of whom the gentleman from New York [Mr. DEMPSEY] speaks do not

fear that money may be lost or made, and inasmuch as that is the only effect change in these agencies could produce, it becomes therefore apparent that that is the moving cause back of the fear that the President may exercise his power unwisely. [Applause.]

In conclusion, permit me again to say I do not share this fear. I trust Woodrow Wilson, our President, the American people know and trust him—aye, the lovers of freedom and justice everywhere know and trust him—and without fear or hesitation I place in his prayerful keeping these additional powers and ask God to give to us and to a war-weary world the patience and courage that our President is displaying now—the patience to wait and the courage to go forward until a victory comes to us that will make war a curse that will come never again to the children of men. [Applause.]

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, I welcome the opportunity to vote for a bill that I believe will be the beginning of correcting the evils, the mistakes, and the inefficiency of the departments, bureaus, and commissions. I think that a great deal of the work that has been done by the various bureaus and departments is, in a word, being duplicated by others of a similar character, and that this has been growing for some time. The creation of new bureaus and commissions has had the result of bringing this about. It is going to be a great accomplishment in giving to the President the authority to redistribute and fix the various functions, duties, and powers of these various bureaus. I do not believe there is any great danger of the functions, or, rather, the powers, of rate making, and so forth, in the Interstate Commerce Commission, nor the powers of the Federal Reserve Board, being usurped by other departments. It is my judgment that the President recognizes that these commissions have been created by an act of Congress and that he would not in a bill of this kind take away from those commissions those powers and those duties. He has given to us his word that it is not his intention to do that very thing, and of which complaint and fear have been expressed. I have every confidence in believing that the President is absolutely sincere in that statement. I believe the President has one aim and purpose in view in this legislation, and that is to get the greatest possible service and efficiency out of the various departments, bureaus, and commissions, and so on, of the Government, to the end that they may be used in the interests of this war.

It is a war measure, and it is expressly so stated. We owe as a duty to the President of the United States to give him the powers that he believes he ought to have and the powers that he asks for and feels are necessary that he should have in carrying on this great war. I am one of those who feel it my duty to vote to him these powers, and I feel that I am best serving my country in so doing since the inception of this war, and I feel that most all of us in this Congress have had the same mind. Some gentlemen have expressed doubt at times and criticisms, but they have all been with a purpose and intent of getting the best results out of this war. Our minds are centered on that alone.

With that aim and purpose in view I shall gladly vote for this bill, and I hope, as I stated in the beginning of my remarks, that we will at least come to a realization of what many of us feel and believe we ought to have, and that is centralization with reference to authority and also as to appropriation bills. I believe that now a great deal of money is being uselessly spent in these various bureaus and departments and that much is being granted by Congress that ought not to be granted. I feel that we ought to have a system in this country such as is found in most of the civilized countries to-day—a budget system, which will bring before Congress in a sensible, concise way the necessities for money to operate the Government. I believe that the next request of the President along the lines of departmental work will be a request of that kind for the enactment of legislation that will create one body for the purpose of handling the financial recommendations of the Government.

Now, we receive from the Secretary of the Treasury the estimates made up by the various departments, and, as we all know, they never underestimate what they think they ought to have; in many cases they do not even know the amount of money that they will need or require. The result is that the estimates are sent to the Treasury unscientifically arranged and worked out. Under the law the Secretary of the Treasury can do nothing except forward those recommendations and those estimates to Congress. If the Secretary of the Treasury were charged by law with the responsibility of making up and sending those estimates

for the consideration of Congress, I think we would save a great deal of money.

And so I believe that out of this legislation that we are now considering we shall in a reasonable time get a recommendation or request of that kind. Members give due credence to the beliefs and the views of the President touching these matters, and have no doubt great confidence in him, and feel that his responsibility in these times is such that what he says and asks of Congress must receive serious and favorable consideration.

We in this Congress, Mr. Speaker, regardless of party, have been doing those things that all patriotic men ought to do—we have been putting aside every personal and political consideration and have been looking with one object and purpose in view, namely, to assist our Nation in these great and trying times. Democrats and Republicans both have been doing that in both branches of this Congress. And in doing that we are only echoing and voicing the sentiments of the American people. They themselves have put aside all political thought and consideration in these times, and are devoting their energy to carrying on this war and to raising the money that is necessary.

And, Mr. Speaker, the people in doing that are not of any one nationality or of any one party, but it is the great body of the American people. Some have found it their duty to get up in public places and elsewhere and preach loyalty—preach standing up for the flag. But gentlemen, it is not necessary that any man should feel that he should be called upon to do that, because the whole American people are practically as solid and united to-day for our country as the people of any nation in the history of the world. It is not so of any one class of people or of any one nationality, but it is so of all people. The people of German birth and German extraction, the sons and daughters of those who were born in Germany, are as patriotic as those of any other nationality, and so it is with all sections of this country. In the city which I have the honor in part to represent there are a large number of people of German birth, men, some of them, who were born in Germany.

A large portion of our population are of that kind, and they are loyal American citizens. I have watched with interest and with care, in the public press and otherwise, to find where disloyalty comes from, when I have heard some Members of Congress and others outside talk about loyalty and about disloyalty in people of German birth. I have found in my city practically no one who could be characterized as disloyal. I have found them earnestly and faithfully working for the interest and success of our country. I know of instances where men and women born in Germany, whose parents were born in Germany, who have been doing more for our country in these times than some of those who are proud of the long residence of their generations of ancestors in this country.

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

Mr. DYER. May I have five minutes more?

Mr. VOLSTEAD. I yield to the gentleman five minutes.

Mr. DYER. I know of a case of a German girl working for a very aristocratic and wealthy family. She invested her savings, several hundred dollars, in liberty bonds. She did that because she felt it was her duty. In talking with the lady for whom she was working in this aristocratic and wealthy family, she said, "I guess you have bought a lot of these liberty bonds." This lady said, "We bought \$500 worth. We can not afford to invest our money unless we get 6 per cent." People of that kind are some of the very ones who are trying to bring discredit upon those of German birth and German ancestry.

Here in this city of Washington, at Keith's Theater, a few days ago a resident of this city, Mr. Gus Buchholz, made an address urging the people in the audience to purchase liberty bonds. Here is what he said in his address at Keith's Theater:

I want you to know there are no more German-Americans. I am an American born in Germany. I arrived in America when 17 years of age. After having been here but two weeks I took out my first papers. At the age of 22 I received my citizenship. For 21 years I have been a citizen—a 100 per cent American. Now people ask me how I feel about this war and liberty bonds. I am going to tell you. I feel like every American whom I know—stick to our country, stick to our flag, because I love this country. Our former ambassador to Germany, James Gerard, stated the Kaiser dislikes the German-Americans more than the born Americans. Why? Because the Kaiser knows that we are loyal Americans. When the United States declared war on Germany my one sense of duty was to America, and my oath of loyalty knows of no conditions and no reservations. I have invested \$30,000 in liberty bonds and war stamps, not because I was born in Germany—nobody forced me to buy that amount—but because I considered it the best patriotic investment during war times in any country, if you are patriotic and love your country.

That, Mr. Speaker, is the sentiment of the great body of men and women in this country of German birth and German ancestry; and I say to you, and to the American people, that we are especially pleased to know that the President of the United

States is showing due deference and consideration to the feelings and desires and ambitions of all people. He is not like some people in this country who are decrying people of German birth or ancestry; but he says that that great body of American citizens in this country are as loyal as those of any other country, and that the disloyal people are found among those of every nationality, one here and one there. I submit this for the purpose of evidencing the desire of all people in this country, regardless of nationality or politics, to give the President all power and authority that he believes he needs to carry this war to a successful conclusion, and to bring honor and glory to our country in the quickest possible time. [Applause.]

Mr. WEBB. I yield 10 minutes to the gentleman from Pennsylvania [Mr. STEELE], a member of the committee.

Mr. STEELE. Mr. Speaker, the main purpose of this legislation is not a new subject to the House. President Taft during his administration brought it to the attention of the House in a message in which he advocated substantially what is proposed to be done in the pending act.

There are certain mischiefs now existing in the executive departments that this bill is designed to correct. These mischiefs are substantially as follows:

(1) In numerous cases more than one bureau or other administrative agency is authorized by law to render the same service. (2) In most of these cases the various duly authorized agencies are ambitious to render all the services within their power. (3) In some cases actual duplication of service has resulted. (4) In a large number of cases the legitimate development of bureaus and other agencies is hampered by the knowledge that it would bring about conflict with the work of other bureaus and agencies. Such conditions result in misdirection of effort and inefficiency.

This bill proposes to correct this situation by authorizing the President to make such a redistribution of the functions among the executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer in such manner as in his judgment shall be best fitted to carry out the purposes of this act.

This being the purpose of the act, during the discussion on the floor this afternoon the question was raised by my colleague, the gentleman from Massachusetts [Mr. WALSH], as to whether or not this was the exercise of a constitutional power. No new power is conferred by the legislation proposed.

No new functions are conferred upon any bureau or any administrative or executive officer. All that is proposed by this bill is that the President shall have the power to make a redistribution of the powers and functions already conferred upon the executive department. Is that a conferring of legislative power? Manifestly it is not. It is simply conferring administrative power on the President. The real distinction between legislative power and the conferring of a mere administrative function is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

A full and complete discussion of this distinction between the delegation of legislative power and conferring a mere administrative function will be found in the decision of Field against Clark (143 U. S.), where the validity of a power conferred on the President under the tariff act passed just prior to that decision which conferred on the President the power to suspend rates.

Now, that power has been exercised by this Government since it was founded. It has been conferred upon the President in early times under the embargo act whenever the President saw fit to do it. It has been conferred in numerous acts covering two pages of the decision of the Supreme Court, to which I have referred and which I will not take the time of the House to refer to in detail.

That being the case, no further discussion of this particular question is necessary, but there were several other questions referred to in the debate which, it seemed to me, might well be disposed of at this time also.

The gentleman from Massachusetts [Mr. GILLET] propounded the question whether or not the authority existed to take away from an officer who had been confirmed by the Senate the power which he had exercised and confer it upon another. My own thought upon that subject briefly is this: Where the officer is confirmed by the Senate, the power that he has exercised can be conferred upon another officer who has been confirmed by the Senate, and that view has been sustained by the Supreme Court. In the case which was referred to by Senator Kellogg in his speech on this subject—the case of Shoemaker against the United States—where certain functions were conferred upon an officer who had been confirmed by the Senate and certain addi-

tional powers were given to him and the court in the course of its decision said:

As, however, the two persons whose eligibility is questioned were at the time of the passage of the act and of their action under it officers of the United States who had heretofore been appointed by the President, and confirmed by the Senate, we do not think that because additional duties germane to the offices already held by them were devolved upon them by the act it was necessary that they should be again appointed by the President and confirmed by the Senate. It can not be doubted, and it has frequently been the case, that Congress may increase the power and duties of an existing office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

It may be remarked in passing also that during the debate in the Senate upon this bill, Senator Knox, who is probably one of the ablest constitutional lawyers in the Senate, gave it as his judgment that without the passage of this act the President, as the Chief Executive of the Nation and as Commander in Chief of the Army and Navy, already possesses the power to do the things conferred by this act. That was his opinion. I know it is not shared by a great many people, and I refer to it to show the diversity of opinion in respect to the power already existing in the Executive.

Reference was made to the Interstate Commerce Commission and the withdrawing of the power now vested in that commission with respect to the fixing of rates. On that subject there seemed to be during the course of the debate some slight confusion of thought. The Interstate Commerce Commission does not possess the power to primarily fix the rates. They never did possess that power. They possess the power where railroads themselves have fixed the rates of revising them, and then there would be a hearing on the subject followed by a judgment; but they possess no power to initiate rates, and under the military act which was passed some few years ago authorizing the President to take over the railroads in time of war, he was given full control of the railroads. The question is, What was meant by the word "control" under the terms of that act? Most people who have examined the question came to the conclusion that this Congress at that time gave the President the power to fix rates, but under the legislation recently enacted relating to railroads now under the control of the Government the President was given the power of initiating rates, and that without the passage of this law here would be the law to-day.

He has the power to initiate rates, and the Interstate Commerce Commission, under the terms of that same bill, has the power to revise those rates. That is the law as it exists to-day, independent of this act. The question is asked whether or not, under the terms of this bill, the President would have the power to withdraw from the Interstate Commerce Commission the power to pass on rates in this manner and vest it in some other executive officer. To my mind the terms of this bill are broad enough to confer that power upon him. I think he could exercise that power if it is an executive act, because all that this act does is to confer upon the President the right to transfer executive functions. It refers to no other functions. It reduces itself down to the question, Is the fixing of a rate an executive or a judicial function? The Supreme Court has said primarily the fixing of a rate is an administrative and executive function.

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

Mr. WEBB. Mr. Speaker, I yield the gentleman five minutes more.

Mr. STEELE. Mr. Speaker, it would involve the inquiry whether the fixing of a rate by the Interstate Commerce Commission is a judicial question, and it may become a judicial question only in one aspect, and that is whether or not the rate fixed by the Interstate Commerce Commission is of a confiscatory character and therefore an illegal taking of property.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. STEELE. Yes.

Mr. GREEN of Iowa. The gentleman has doubtless noticed that section 2 provides that in carrying out the purposes of the act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commission. That section providing for the transfer from one commission, bureau, agency, office, or officer, and so forth, is not confined to executive commissions or bureaus.

Mr. STEELE. It is confined, as I stated, to executive or administrative matters, and as I stated a while ago in the course of my discussion with reference to the rate power, that generally the fixing of a rate is an executive or administrative function, and this act does not attempt to confer upon the President the right to transfer any judicial power. It reduces itself down to a question of whether the rate-fixing power is exclusively administrative or executive or combines with it certain judicial functions. If it combines with it judicial func-

tions, then it could not be transferred. So the Supreme Court said recently that it was an executive or administrative function; but I can also see, as I stated a moment ago, that it may become a judicial question when the question is raised whether the rate is confiscatory in its character. It would then combine with it certain judicial functions. Those are my views generally on that branch of the question. So far as the legislation of this House is concerned during the entire war period, we have conferred upon the President under the food-control act, under the railroad-control act, under the shipping act, the war administration, the Finance Bureau, powers which seem to be far greater than are attempted to be conferred under this act. If he can be trusted with those powers under this general war legislation, it seems to me that he can very readily be trusted with powers conferred under this act. Therefore I shall vote for the bill. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. POLK, for two days, on account of illness; and
To Mr. FIELDS, for three days, on account of illness.

CONSOLIDATION OF EXECUTIVE BUREAUS, ETC.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. PLATT. If the gentleman will yield to me for a moment, I want to call his attention to the fact that we are discussing one of the most important bills which has passed, and that most of the time just five Democrats were listening to the eloquent speech of the gentleman from Pennsylvania [Mr. STEELE].

Mr. WEBB. And only 10 Republicans.

Mr. STAFFORD. Oh, we had 25 here listening to the distinguished gentleman from Pennsylvania. We appreciate a good argument.

Mr. WEBB. The RECORD will show at least I was here. I yield five minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Speaker, in a crisis like this, when it is necessary for extraordinary centralizing powers to be granted by Congress to the several departments of the executive branch of the Government, it is to be expected that every citizen will turn to the Constitution of the Republic to ascertain whether such powers are warranted by that organic instrument. The motive which should prompt the citizen in so doing should be an honest and earnest desire to safeguard the rights of the people and to preserve the Government.

I have no quarrel with the citizen who is honestly of the opinion that such powers can not be granted under the organic law, nor do I question his patriotism when he contends for the same, provided that in such contention he does not go to the extreme of endangering the existence of the very Government which he seeks to preserve. On the other hand, there are those throughout the length and breadth of the country who are opposed to any kind of government and, under the guise of constitutional privilege, are questioning the constitutionality of the laws and powers which are being granted in this emergency. They are not contending in the forum of the courts, but are fanning the flame of dissatisfaction which temporarily arises by the curtailing of privileges and conveniences caused by the enactment of war measures, and who, like a wolf in sheep's clothing, are pretending to stand upon the Constitution while they are indirectly and purposely impeding the efforts of the Nation to preserve its life.

In times like these it is impossible to preserve the same equilibrium and poise as in peace times. A nation in war, like an individual in a combat where death may result, does not maintain cool and collected judgment. A jury in the trial of an individual charged with a homicide committed in such a combat is required under the law to view the circumstances and conditions as they existed at the time from the standpoint of the defendant. Shall a nation fighting for its life and the preservation of the liberty of not only its own citizens but of the world be held to a higher standard?

Members of this House understand full well the war powers vested by the Constitution in the President, and distinguished Members have spoken illuminatingly to this body upon this subject. It is not my purpose in the time allotted to me to rehearse to the Members of this House a subject understood by many of them better than myself, but I wish to call the facts to the attention of the average American citizen, who is too busy doing his bit to win the war to investigate the constitutionality of the war legislation of Congress. I shall be satisfied if I shall have been able to fortify the mind of the laymen against the arguments of misled and disloyal citizens,

who either purposely or unwittingly promulgate German propaganda.

Article II, section 2, clause 1, of the Constitution makes the President of the United States Commander in Chief of the Army, the Navy, and the militia when called into the service of the United States. Before the ratification of the Constitution by the States there were those who claimed that this power should be granted by an act of Congress, but the fathers of the Republic were too wise and far-seeing to create a provision that might lead to the destruction of the Government they were founding. This power was granted by the Constitution, and Congress is without authority to enlarge or diminish it. Under this provision, as Commander in Chief, the President may do whatever, in his judgment, will destroy or weaken the power of the enemy. In dealing with the foe he is only limited by the accepted rules of international law. It is for him to decide where the troops are to be sent and where the fleets are to be assembled and stationed. It is his right to assume control of all enemy territory occupied by our armed forces and to establish such military control to govern the same as he may decide; but within the limits of the Nation, where the civil courts are open and in unobstructed exercise of their functions, it is beyond the power of the President to declare martial law to try civilian citizens. This was so decided by a majority opinion in the often quoted case of *Ex parte Milligan* by the Supreme Court of the United States in 1866.

There is much discussion of the constitutional right of Congress to grant autocratic powers to the President during this emergency. All acts of Congress which simply facilitate the powers of the President as Commander in Chief do not confer any additional powers, for the reason that the founders of the Government in adopting the Constitution granted autocratic powers to the President as Commander in Chief.

The wisdom of the fathers of the Republic is apparent in this present hour.

In a Republic like ours supreme power to act in a great crisis must be lodged in some individual. To mobilize a great Republic for war is a gigantic task, and to do so hurriedly and efficiently little time can be devoted to the discussion of methods, but decision and action must be prompt.

In the present war the President has realized the tremendous task and responsibility thrown upon him by virtue of his position as Commander in Chief. Although clothed with powers of a dictator he has nevertheless submitted to Congress for its enactment into law measures that he could have arbitrarily put in force by Executive order. Except in those instances where urgent pressing necessity required he has been prone to submit his requests to Congress for its approval of the exercise of certain powers and the promulgation of rules and regulations made necessary by the war. His action in this respect discloses the fact that he does not desire to play the rôle of a dictator nor use the great powers conferred upon him merely for the pleasure of exercising the same. The alacrity with which this Congress has granted the requests of the President for war legislation makes it unnecessary for him to resort to the use of Executive orders. No doubt if the Members of the House of Representatives in the dark days of the Civil War had as a whole willingly supported President Lincoln, as this House has supported President Wilson, there would have been no occasion for President Lincoln in his fourth annual message to have said:

In a great national crisis like ours unanimity of action among those seeking a common end is very desirable—almost indispensable.

It is within the power of Congress to declare war or declare that a state of war exists, but a declaration of war made by Congress immediately sets in motion the war powers of the President as Commander in Chief. Whenever the President submits to Congress for its action matters which, as Commander in Chief, he could bring about by Executive order, he does not waive any of the powers granted him by the Constitution, but merely submits the matter to Congress for its approval or disapproval of the proposed measure. The refusal of Congress to enact into law legislation included within the delegated powers of the President would not prevent the President from proceeding by Executive order. To determine what acts the President may do or what orders he may make under the power vested in him as Commander in Chief can never be definitely defined, because each emergency creates its own limitations. It might not be amiss at this time to call attention to some of the things that have been done by Presidents of the United States under their powers as Commander in Chief during certain crises that have arisen in the history of our country.

[Digested from: Ridpath, John Clark, *History of United States of America*, Washington, 1912, pp. 3503-3520.]

1. In 1794, during Washington's second administration, a general insurrection occurred in western Pennsylvania against enforcement of the excise act of March 3, 1791. At a Cabinet meeting Hamilton,

Knox, and Bradford urged that the militia be called out; Randolph, who had succeeded to Jefferson's office, opposed, because he believed the effect would be to produce a civil war and also because he distrusted the militia. McKean, the chief justice of the State, suggested a commission to visit the disturbed districts; and Washington, with his unerring judgment, combined both plans. The commission's efforts produced a considerable change in public opinion among the frontiersmen, and resolutions of submission were twice adopted, but by this time nearly 15,000 militia from Pennsylvania, New Jersey, Maryland, and Virginia had almost reached the scene. Hamilton, the President's representative, agreed with Gen. Henry Lee of Virginia, the military head, that the expedition must proceed. The population offered no resistance. There were numerous arrests made, with few exceptions in total disregard of an amnesty and Washington's express orders. But it was at last settled that there was a Government and that the United States had the power and intent to enforce its laws.

[Digested from: Ridpath, John Clark, *History of the United States of America*, p. 4357.]

2. "As in the days of colonial quarrels, there were two separate governments in Rhode Island; one, headed by Thomas Dorr, was brought into existence as a protest against undeniably gross inequalities in the suffrage. Dorr and his party were preparing to enforce their will by arms when President Tyler sent troops to crush the insurrectionary movement."

[Quoted from: Bryce, James. *The American Commonwealth*. Macmillan & Co., 1889, vol. 1, p. 51.]

"The President authorized the sending in of the militia of Massachusetts and Connecticut, but the Rhode Island troops succeeded in suppressing the rebellion."

[Quoted from: Taft, William H. *The Presidency*. Charles Scribner's Sons, New York, 1916, pp. 91-92.]

"In the case of Rhode Island, as between claimants for the governorship, the (United States Supreme) Court held that it was within the power of the Executive conclusively to determine, so far as that court was concerned, who was the governor of the State and what was lawful."

[Quoted from: Schouler, James. *History of the United States of America under the Constitution*. Dodd, Mead & Co., New York, 1894, vol. 4, pp. 523, 525, 526, 527, 533.]

3. "Polk resolved to maintain the pretentious claim that the western boundary of Texas was at the Rio Grande del Norte; and in pursuance of that resolve Gen. Zachary Taylor was ordered to take position between the Nueces and that river * * *. For about six months Taylor's army remained posted at Corpus Christi, entirely unmolested and unmolesting * * *. Anticipating Mexico's obstinate refusal to part with her domains in peace, President Polk took his ready alternative. Without a word of warning to Congress, which was in full session, * * * he ordered Gen. Taylor to advance and take a position on the left bank of the Rio Grande; he also assembled a strong fleet in the Gulf of Mexico * * *. Zachary Taylor—plain, blunt warrior that he was—obeyed the orders of his Commander in Chief without a question * * *. Collision and bloodshed were inevitable * * *. Commodore Sloat, of the American Navy, who commanded the Pacific Squadron, was to possess himself of San Francisco and all other California ports whenever he should learn that actual hostilities between Mexico and the United States had begun.

"Mexico (said President Polk in his war message of May 11) has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil * * *. War exists and notwithstanding all our efforts to avoid it, exists by the act of Mexico herself * * *. Congress resolved at once a formal declaration of the war as already existing by the act of Mexico."

[Digested from: Taft, William H. *The Presidency*, pp. 92-94.]

"A very wide exercise of authority by the Executive as Commander in Chief occurred in the form of presidentially instituted and directed government for California and New Mexico after the Mexican War. The validity of this action was upheld by the United States Supreme Court, and formed a precedent for similar measures following the Spanish-American War."

CIVIL WAR.

[Quoted from: Bryce, James. *The American Commonwealth*. Vol. 1, pp. 51, 61.]

"Both as Commander in Chief of the Army and Navy, and as charged with the 'faithful execution of the laws,' the President is likely to be led to assume all the powers which the emergency requires. How much he can legally do without the aid of statutes is disputed, for the acts of President Lincoln during the earlier part of the War of Secession, including his proclamation suspending the writ of habeas corpus, were subsequently legalized by Congress; but it is at least clear that Congress can make him, as it did make Lincoln, almost a dictator. And how much the war power may include appears in this, that by virtue of it and without any previous legislative sanction President Lincoln issued his emancipation proclamations of 1862 and 1863, declaring all slaves in the insurgent States to be thenceforth free, although these States were deemed to be in point of law still members of the Union."

"Abraham Lincoln wielded more authority than any single Englishman has done since Oliver Cromwell. It is true that the ordinary law was for some purposes practically suspended during the War of Secession. But it will always have to be similarly suspended in similar crises, and the suspension inures to the benefit of the President, who becomes a sort of dictator."

[Quoted from: Dunning, William Archibald, professor of history in Columbia University. *Essays on the Civil War and Reconstruction*. Macmillan Co., 1904, pp. 14-15, 15-16, 17-19, 20-21.]

The Presidential Dictatorship: The circumstances in which the Government found itself after the fall of Sumter were entirely unprecedented. The President was obliged to regard the uprising of the South as a simple insurrection; but the only parallel case, the Whisky Insurrection in Washington's administration, was so insignificant in comparison that from the very beginning a system of original construction of the Constitution had to be employed to meet the varied occasions for Executive as well as legislative action. Long before the end of the war

the principles thus evolved had become so numerous and so far-reaching in their application as entirely to overshadow the most cherished doctrines of the old system.

The question presented to the administration by the commencement of hostilities was, Has this Government the power to preserve its authority over all its territory? The answer of the old school of constitutional lawyers was, "Yes; so far as it is conferred by the Constitution and the laws," but the answer we derive from the actual conduct of the war is, "Yes," without qualification.

Immediately upon the fall of Sumter the assertion of the new doctrine began. Before the assembling of Congress July 4 a series of proclamations by the President called into play forces deemed necessary to the preservation of the Nation. The calling out of the militia was based upon the law of 1795. Buchanan had declined to consider this law as applicable to the present circumstances. His delicacy, however, was a phase of his scruples about coercing a State—scruples entirely foreign to his successor.

Four days after the call for militia the President's purpose of ignoring the connection of the State governments with the rebellion was put to a severe test in his proclamation of a blockade of the ports of cotton States. He was obliged to speak of "the pretended authority" of those States, but only to declare that persons who, under such authority, molested United States vessels would be treated as pirates. This assumption by the Executive of the right to establish a blockade was rather startling to conservative minds. It seemed like a usurpation of the legislative power to declare war. For blockade is an incident of actual warfare and involves the recognition of belligerent rights. The constitutionality of the President's action, however, was affirmed by the Supreme Court in the Prize Cases, and hence Congress having acquiesced, it has the sanction of all three departments of the Government. Accordingly the President, as Commander in Chief, can determine without reference to Congress the time when an insurrection has attained the proportions of a war, with all the consequences to person and property that such a decision entails.

Further action by the President previous to the meeting of Congress included a call for the enlistment of 40,000 three-year volunteers and the increase of the Regular Army by over 20,000 men and the Navy by 18,000. Mr. Lincoln himself doubted the constitutionality of these measures.

Whether strictly legal or not [he says they] were ventured upon what appeared to be a popular demand and a public necessity, trusting then, as now, that Congress would readily ratify them. It is believed that nothing has been done beyond the constitutional competency of Congress. (Message of July 4, 1861.)

This frank substitution of a "popular demand" for a legal mandate as a basis for Executive action is characteristic of the times. The President's course was approved and applauded. Howe, of Wisconsin, proclaimed in the Senate that he approved it in exact proportion to the extent to which it was a violation of the existing laws. The general concurrence in the avowed ignoring of the organic law emphasizes the completeness of the revolution which was in progress. The idea of a government limited by the written instructions of a past generation had already begun to grow dim in the smoke of battle.

The remaining subject dealt with in the President's proclamations was the suspension of the writ of habeas corpus. Southern sympathy in Maryland had taken so demonstrative a form that summary measures of repression were resorted to by the Government. Gen. Scott was authorized by the President to suspend the writ of habeas corpus at any point on the military line between Philadelphia and Washington. This assertion by the Executive of an absolute control over the civil rights of the individual in regions not in insurrection excited rather more criticism than the measures which would unpleasantly affect only the rebellious States. A case was promptly brought before Chief Justice Taney for judicial interpretation. Justice Taney's opinion took strong ground [in the case of John Merryman] against the constitutionality of the President's act.

The position of the Executive in this matter was entirely consistent with that assumed in the establishment of the blockade. Granting the right in the President to decide when war has technically begun, both the powers in question spring naturally from the recognized authority of the Commander in Chief. In the interval between April 12 and July 4, 1861, a new principle thus appeared in the constitutional system of the United States, namely, that of a temporary dictatorship. All the powers of government were virtually concentrated in a single department, and that the department whose energies were directed by the will of a single man.

[Quoted from: Dunning, W. A., Essays, etc., p. 40.]

The [President's] proclamation of September 24, 1862 [in relation to civil rights in the North], constituted a perfect platform for a military despotism. Opposition [to the Government's emancipation and draft policies] * * * only tended to make military arrests more frequent.

[Quoted from: Dunning, W. A., Essays, etc., pp. 50-51.]

Mr. Lincoln gave as his authority for the [emancipation] proclamation "the power in me vested as Commander in Chief of the Army and Navy of the United States, in time of actual armed rebellion against the authority and Government of the United States"; and he described the act as "a fit and necessary war measure for suppressing said rebellion," and as "warranted by the Constitution upon military necessity." These expressions give to the paper the character of a military decree pure and simple.

[Quoted from: Burgess, John W., dean of the faculty of political science in Columbia University. *The Civil War and the Constitution*. Charles Scribner's Sons, 1901, v. 2, p. 223.]

The Government advanced no less radically upon the domain of the freedom of the press * * *. The [House] Judiciary Committee sustained the Postmaster General [Blair], and * * * the precedent of the Government in Civil War is, therefore, that this part of the Constitution may be suspended by order of the administration when in the judgment of the President the public safety demands it.

TEMPORARY GOVERNMENTS CONSEQUENT UPON WAR WITH SPAIN.

[Quoted from: Taft, Wm. H., *The Presidency*, pp. 92-93.]

There is a far wider exercise of the authority by the Executive in his capacity as Commander in Chief than in the cases cited [Dorr's Rebellion and the Chicago strike]. It was exemplified in and after the

Spanish War. Before and after the treaty of Paris was made with Spain, by which there were left in our possession as owners the Philippines and Porto Rico, and in our custody as trustees for the people of Cuba the island of Cuba, we acquired responsibilities which were met by occupation of those islands with the Army and Navy. In the case of Cuba this continued from 1898 until 1903, when the island was turned over to the Cuban Republic. In the case of Porto Rico this continued from 1898 until the taking effect of the Foraker Act, in April, 1900, and in the Philippines from August 13, 1898, when we took Manila, until March, 1902, when the President was expressly given power to establish a civil government there. During all this interval of congressional silent acquiescence in the action of the President as Commander in Chief, he directly, or through his agents appointed, exercised all the executive power and all the legislative power, and created all the judicial power of government in those territories. After suppressing actual disorder he created a quasi-civil government, and appointed an executive, a civil legislature, and civil judges, and became the lawgiver of 10,000,000 people for a period ranging from two years to four. Now, there was nothing new or startling in the principle of this temporary enlargement of his executive functions. Its novelty was in the great volume of power which the circumstances thrust on him and the responsibilities and the wide discretion which he had to exercise.

PROTECTION OF PANAMA SECESSIONISTS.

[Quoted from: Peck, Harry Thurston, *Twenty Years of the Republic*, p. 702.]

At this juncture [when the Hay-Herran treaty was pending, with poor prospects in the Colombian Senate] the State of Panama, incensed by the sacrifice of its commercial interests, seceded from Colombia and established a provisional government of its own, appealing to the United States for recognition. President Roosevelt within three days acknowledged the independence of the Republic of Panama. Physical conditions prevented Colombia from sending troops to Panama by land to coerce the seceding State, and American vessels of war at once appeared in Central American waters and began to cruise up and down the coast. Marines were landed on the Isthmus, and the Colombian Government was informed that the United States would permit no fighting there. France and England almost at once gave their recognition to the new Republic. Colombia then, when it was too late, offered every possible concession, but the offer was rejected. M. Bunau-Varilla, a Franco-Spanish engineer, was by cable accredited as Panama's representative at Washington, and on November 18 he and Secretary Hay signed a treaty by which the Republic of Panama granted to the United States the privilege of constructing a canal in return for \$10,000,000 and a guarantee of Panama's independence. To the United States was also given control of a belt of land 10 miles wide through which the canal was to be cut. The provisional government of Panama ratified this treaty on December 2, and it was approved by the United States Senate on February 23, 1904, only 14 votes being cast against it.

[Quoted from: Rhodes, James Ford, *History of the United States from the Compromise of 1850*. Harper & Bros., 1895. Vol. 3, pp. 553-554.]

Fearing that the Legislature of Maryland, which was to convene in September, would pass an ordinance of secession, the Secretary of War ordered the arrest of all or any part of its members and several citizens of Baltimore, if necessary, to prevent such action. Under this order Gen. Dix apprehended 10 members elect of the legislature, the mayor of Baltimore, a Congressman, and 2 editors; and at Frederick City, the meeting place of the legislature, Gen. Banks laid hold of "nine secession members." These men were subsequently confined in Fort Lafayette, N. Y., and in Fort Warren, Boston, where other State prisoners arrested in Kentucky and Missouri were also incarcerated. That these arrests were infractions of the Constitution need not for a moment be questioned. They were made on simple orders from the executive departments instead of on the proper warrants required by law. The prisoners were charged with no offense, were brought before no magistrate for examination, and the commandants of the military prisons were instructed to disregard any writ of habeas corpus issued in their behalf. Nevertheless, it would, it seems to me, be historical hypercriticism to find fault with the Federal Government for its exercise of these extraordinary powers in the border States.

[Quoted from: Rhodes, James Ford, *History, etc.*, vol. 4, p. 413.]

A story about Seward, made up apparently out of whole cloth, became an effective illustration of the argument [that the cause of Vallandigham and others similarly arrested was the cause of civil liberty]. "My Lord," he was reported to have said to Lord Lyons, "I can touch a bell on my right hand and order the arrest of a citizen of Ohio; I can touch a bell again and order the imprisonment of a citizen of New York; and no power on earth except that of the President can release them. Can the Queen of England do so much?" That this story, by dint of iteration and, in spite of denials, by reiteration with circumstantial details, came to be thoroughly believed, is not strange, for, while Seward probably made no such remark, he and Stanton had caused many arrests with no more formality than a telegraphic dispatch.

It might be of interest to note that, under President Lincoln, through his Secretary of State, he issued, among other drastic orders, the following:

DECEMBER 17, 1864.

The President directs that, except immigrant passengers directly entering an American port by sea, henceforth no traveler shall be allowed to enter the United States from a foreign country without a passport. If a citizen, the passport must be from this department or from some United States minister or consul abroad; and if an alien, from the competent authority of his own country, the passport to be countersigned by a diplomatic agent or consul of the United States. This regulation is intended to apply especially to persons proposing to come to the United States from the neighboring British Provinces. Its observance will be strictly enforced by all officers, civil, military, and naval, in the service of the United States, and the State and municipal authorities are requested to aid in its execution. It is expected, however, that no immigrant passenger coming in manner aforesaid will be obstructed, or any other persons who may set out on their way hither before intelligence of this regulation could reasonably be expected to reach the country from which they may have started.

MARCH 14, 1865.

The President directs that all persons who now are or hereafter shall be found within the United States who have been engaged in holding intercourse or trade with the insurgents by sea, if they are citizens of the United States or domiciled aliens, shall be arrested and held as prisoners of war until the war shall close, subject, nevertheless, to prosecution, trial, and conviction for any offense committed by them as spies or otherwise against the laws of war. The President further directs that all nonresident foreigners who now are or hereafter shall be found in the United States, and who have been or shall have been engaged in violating the blockade of the insurgent ports, shall leave the United States within 12 days from the publication of this order, or from their subsequent arrival in the United States, if on the Atlantic side, and 40 days if on the Pacific side, of the country; and such persons shall not return to the United States during the continuance of the war. Provost marshals and marshals of the United States will arrest and commit to military custody all such offenders as shall disregard this order, whether they have passports or not, and they will be detained in such custody until the end of the war, or until discharged by subsequent orders of the President.

It has always been conceded by authorities on constitutional law that the President could not extradite citizens of a foreign country without provisions of law enacted by Congress, but President Lincoln, during the emergency that then existed in 1864, surrendered Arguelles to Spain. (Willoughby, p. 164.)

The Constitution, of course, vests in Congress certain specific war powers, which I do not undertake to discuss at this time; but will say in passing that Congress, in the discharge of its war powers granted under the Constitution, must exercise its own judgment and discretion, and can not shift its responsibility to the people of the Republic for the enactment of legislation upon subjects wholly within its province by saying it was requested by some department head. If Congress shall fail to exercise its own judgment and will, then it will not have the respect of the coordinate branch of the Government nor of the people of the Nation. Congress at this moment prefers to err in granting requested legislation rather than fail to pass sufficient legislation to quickly subdue our foes.

Up to this hour, upon the whole, it can with truth be said of the Sixty-fifth Congress that it has acted in unanimity with the President as Commander in Chief in seeking to destroy our enemies abroad and at home and to preserve the liberty of mankind as a heritage to all the world. [Applause.]

Mr. VOLSTEAD. Mr. Speaker I yield 10 minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, what is the nature and object of the bill which Congress has under consideration, widely known as the Overman bill, and which some distinguished legislators regard as dangerous to the liberties of the country? By title it is called:

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

The objects are stated in the first section of the bill to be as follows:

That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

Then follows the method by which the objects are to be attained—and to this end [the President] is authorized to make such regulations and to issue such orders as he may deem necessary.

These are the essential features of the proposed legislation. There is a limit fixed for the life of the law of one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year that the President may designate.

The remainder of the bill is in the nature of amplification of the details of powers conferred in the first section, together with administrative provisions.

What has been the most prolific source of criticism of the conduct of the war during the past year? It has been a lack of coordination between the various departments of the Government, the various powerful bodies and commissions. Each was going ahead along its own lines and more or less without reference to the effect of its activities upon other agencies of the Government. Often different departments were bidding for supplies against each other, while our allies in the great war were also bidding in the same markets for the same articles.

Our transportation interests, both by sea and rail; our manufacturing and mining interests of steel and coal and of all other things entering into the agencies of war; the food supply—all were being operated without reference to each other and with-

out reference to the necessities and effectiveness of successfully conducting the war.

This intolerable condition was the cause of incalculable loss of valuable time and resources. There was a loud outcry throughout the country in the press and on the floors of Congress at the lack of coordination. It was pointed out that in Great Britain and other ally countries there was some sort of central authority that exercised a general supervision of all departments of war activity, and thus prevented working at cross purposes and waste of money and energy.

The result of this agitation for coordination was the introduction in another branch of Congress of a bill creating a war cabinet intended to correct this flagrant difficulty. I refer to the bill S. 3583, introduced by the Senator from Oregon, Mr. CHAMBERLAIN. Its title is as follows:

A bill to establish a war cabinet, and to define the jurisdiction and authority thereof.

This war cabinet was to be composed of "three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate."

The jurisdiction and authority of the war cabinet is set forth as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

(b) To supervise, coordinate, direct, and control the functions and agencies of the Government in so far as in the judgment of the War Cabinet it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine, upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from and utilize the services of any or all executive departments and executive officers or agents of the United States and of the several States and Territories and the District of Columbia necessary or helpful in the proper performance of the duties of said War Cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such department, bureau, official, or agency of the Government, and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure.

There was also introduced into another branch of the Congress a bill to create a department of munitions, intended to confer central authority upon a secretary of munitions of every branch and feature of the production of munitions. The following definition was given of the word "munitions" for the purposes of the act.

For the purposes of this act, such munitions shall be held and considered to be arms, munition, food, clothing, equipment, tentage and other shelter, means of transportation, and any other materials or instrumentalities that the President, in furtherance of the purposes of this act, shall designate as munitions of war.

The bill was entitled "A bill to increase and expedite the supply of munitions of war," and its purpose was described in the first section as follows:

That during the continuance of the present war and for not more than one year after the end thereof there shall be at the seat of government an executive department to be known as the department of munitions and a head thereof who shall be known as the secretary of munitions and who, under the President, shall have and shall exercise, either directly or through any other agents or agencies of the Government that the President may designate for the purpose, full power to provide for, supervise, and control the procurement, manufacture, and distribution of munitions of war.

I shall have occasion to refer to the second section of this bill later in my remarks. It is as follows:

SEC. 2. That the President is hereby empowered, in his discretion, to transfer to the secretary of munitions the whole or any part of any funds, records, and other public property that are now or shall hereafter be in the possession of, or available for the use of, any other agents or agencies of the Government in relation to munitions of war; also to make a like transfer of any powers or duties now vested or imposed, by statute or otherwise, in or upon such agents or agencies in relation to such munitions; also to assign persons in the civil, military, or naval service of the United States to temporary duty under the secretary of munitions. Any records, remaining funds, other property, powers, and duties transferred to the secretary of munitions from any source may be transferred back to that source by the President whenever he shall determine that such action is necessary.

Both of these bills were introduced into Congress by the distinguished chairman of the Senate Committee on Military Affairs, Senator CHAMBERLAIN, of Oregon. They received a great amount of attention at the hands of the press, and were widely discussed and commended among thoughtful men in and out of Congress as being intended to bring about a concentration and unity of effort in production of war munitions and necessities for the successful conduct of the war.

It was known that Great Britain and other countries in alliance with ourselves had created a ministry of munitions and a war board with functions similar in character to those which were created in these two bills, and that they had worked

out advantageously. I believe that with safety it can be said that a very large majority of the two branches of Congress recognized the lack of coordination between the various departments and agencies having to do with the war. It was impossible for a Member or Senator in the daily intercourse with these departments in the performance of his duties to fail to be impressed with that weak link in our governmental machinery. Everyone recognized that something ought to be done to bring about better teamwork. These two bills seemed to give fair promise of strengthening the weakest member of our line of national defense.

Now, I do not think that these bills were in any way intended to embarrass the President or to curtail his power. The members of the war cabinet were to be appointed by the President, to be sure, by and with the advice and consent of the Senate. That can hardly be considered a restriction, however, as all the members of the Cabinet are appointed under the same conditions. The secretary of munitions also was to be appointed by the President. Notwithstanding this method of appointment, which was altogether in the hands of the Chief Magistrate, the President did not favor these two bills, and had no hesitation in letting his views on the subject be known.

On February 6 of the present year the Senator from North Carolina [Mr. OVERMAN] introduced into the Senate the bill known as the Overman bill, which we have under consideration at this time, which bill is understood to have the full approval of the President.

A comparison of the objects in view in the proposed legislation, as stated respectively in the Chamberlain and the Overman bills, will show that they are not essentially different. They are, in short, to produce unity of purpose and coordination by conferring a general and specific authority over all departments having to do with the war, such departments now being independent of each other. Their accountability to the President is so attenuated that to all intents and purposes they are independent of any outside authority.

While the objects desired to be obtained are the same, the methods proposed are quite different. The Overman bill proposes no war cabinet and no department of munitions. In a very direct way it authorizes the President to "make such a redistribution of functions among executive agencies as he may deem necessary" for the more effective exercise and more efficient administration of his power as Commander in Chief of the land and naval forces. This authority is limited to the period of the war and one year thereafter.

It is objected to this proposed enactment that it confers too great powers upon the President; that in authorizing the President to redistribute functions among executive agencies—that is, to transfer powers conferred by law upon one department to another department or agency—is a surrender of legislative functions by Congress in favor of the Executive and thus unconstitutional.

A very high constitutional authority in another body stated that under this law it would be feasible for the President to transfer the powers of the Supreme Court of the United States from that body to any other governmental agency, and instance the postmaster of the city of Washington.

Another high constitutional authority replied that if such transfer of powers should be made, the function of the office so transferred would have to be exercised in accordance with the existing laws governing such office and functions.

Mr. Speaker, I desire to call the especial attention of the membership of the House to the fact that the authorization of the President to transfer functions from one department or governmental agency to another, which is the principal objection to the Overman bill, is not confined to that bill. Section 2 of the munitions-department bill, which had the support of most of us, which I have heretofore quoted, empowered the President to transfer to the department of munitions any funds, records, or other property now in possession of other agencies of the Government, and also "to make a like transfer of any powers or duties now vested or imposed, by statute or otherwise, in or upon such agents or agencies in relation to such munitions." It would thus appear that the transfer of powers was deemed as essential to teamwork—coordination—in the Chamberlain bill as it is in the Overman bill.

I am not a lawyer, but I am fully conscious of the value of constitutional guaranties and of the great dangers of autocratic power. In normal times of peace no such enactment as this would receive a moment's consideration at my hands as a legislator. But these are not normal times. We are engaged as a Nation in a life-and-death struggle with the supreme foe of the democracies of the world. We are in the position of a man who must have an operation performed, or a number of operations, to save his life. Of course, the man does not submit to

those operations voluntarily and willingly. He hates and abhors them precisely as we hate and abhor the necessary application of the surgeon's knife to our national life and institutions. We hate to vote for laws that permit rude interference with our national customs, our liberty to travel when and where we please, our liberty to eat such food as we prefer, to sell or hold our crops, and to put an arbitrary price upon products. We hate to vote heavy taxes and burdensome bonds upon the future. Still more, we hate to vote for laws to take from their homes our young men and send them to the scenes of bloody conflict in Europe. But we know that these things are necessary to the continued life and liberty of our beloved country, and, realizing the full force of our acts, we unhesitatingly vote for all these things, basing our votes upon such measure of wisdom and justice as God has conferred upon us.

Assuming that under the terms of this bill the President would have authority to transfer the powers of the Supreme Court to the postmaster of Washington, what reason is there to think that he would do that or any other ridiculous act under the law? What reason is there to suppose that he would disturb the orderly working of the Interstate Commerce Commission or any other of the agencies of government not connected with the war or its necessities? It is conceivable that the Interstate Commerce Commission might come within that category; and if it did, why should not the power be exercised? Concentration of power we must have. In whose hands could it more properly and safely be placed than in those of the President of the United States and the Commander in Chief of our Army and Navy? That the President is human is to say that he is not infallible. He is not a superman. There are no supermen. But he is the President of the United States, elected by the people. He is President at a time in our history when God in His providence has seen fit to lay his hand upon us in the affliction of a terrible war. As a historian none of our writers have ever written more clearly and eloquently upon the dangers of autocratic power in the hands of the head of a nation. Is it conceivable that Wilson the President and Commander in Chief has forgotten the principles and teachings of Wilson the scholar, the educator, the historian, and the statesman? No! Being human and a devoted partisan, he may occasionally make a slip, as he did a short time ago with reference to a distinguished Member of this House, now transferred to another branch of the National Legislature. But the people understand this and quickly correct the errors of temperament.

The President is a great American, of high ideals, and devoted to his country. He may be trusted to conscientiously exercise these great powers. Most of us thought well of the Chamberlain bills. He did not. He practically said, "You have given me this job. Do not set the rules by which I am to work it out. Let me do the job my own way." Is not that what almost anyone of us would have desired? I am in favor of letting the President work this job out in his own way.

There are some who would deny the President the authority conferred by this bill on the ground that he sometimes makes mistakes in his choice and judgment of men. He has chosen a great many men for important positions in the public service connected with the war. Some of them have not proven successes. But it is to be remembered that to measure up to the requirements of a great war is a terribly severe test—the real "acid test." So great a man as Abraham Lincoln chose many men in the earlier stages of the Civil War who proved utter failures. The several commanders of the Army of the Potomac followed each other in failure for more than two years, until Meade won the battle of Gettysburg. From that time on to the end of the war Lincoln made few errors in the choice of men. Grant, Sherman, and Sheridan all attracted the attention of the great emancipator, and all to-day live with him in the deathless realms of immortality.

Thus would I have it with our President of to-day, our Commander in Chief in a war on a vastly greater scale than that of the sixties, and involving consequences of as great import, to the future of our country. I could wish that our President had followed the course of his immortal predecessor, or that he might yet follow that course, and rally one more great resource of the country into the awful struggle. Lincoln called into his immediate councils some of the great leaders who had been in political antagonism to him prior to his election as President. They were patriots before partisans, and Stanton, the great War Secretary, and others, accepted the call.

If the President could see his way to place in his Cabinet some of the great men and trusted statesmen of the Republican Party, he would remove one of the obstacles to the verdict of history as to his own real greatness. Sentiment is a wonderful lever on public thought and action. I would not have a single Democratic officeholder removed from Maine to California dur-

ing the term of the present administration. But if the President were to invite to seats in his Cabinet councils one or more of such of the minority party as William Howard Taft, Theodore Roosevelt, Charles Evans Hughes, HENRY CABOT LODGE, JOSEPH G. CANNON, or others of similar worth and character, it would be the equivalent of a great additional army in unifying and coordinating our efforts, and would securely place the name of Woodrow Wilson on the shaft of imperishable and immortal fame as a true patriot above all his other strong claims to distinction.

If, however, the President shall continue mainly to confine his councils to the members of his own political party, I shall make no complaint or criticism, and hope that his selections of such counselors may always be best for his own fame and for the good of our dear country. He will have my unqualified support, and he will have the support of the great Republican Party without stint or measure in the great work of prosecuting the war for the defense of America and the freedom and democracy of the world.

Mr. Speaker, holding these views, and without in any way compromising the dignity of the Congress by voting to confer these great powers on the Executive for the period of the war, I shall unhesitatingly cast my vote for the pending Overman bill as desired by the President and Commander in Chief. [Applause.]

Mr. WEBB. Mr. Speaker, while we are waiting for a moment, I would like to see if we can get some understanding what procedure we will follow after general debate is exhausted on the bill. I realize that there is no such thing as the five-minute rule in the House, and yet I feel bound in good faith to agree to let gentlemen, who have amendments to this bill, offer them, and I would like if we can get some understanding as to what time we are going to have on each amendment so there will be no ill feeling when we come to it to-morrow.

Mr. GILLETT. Why does not the gentleman ask unanimous consent that debate on amendments be under the five-minute rule?

Mr. GARNER. That will not do.

Mr. GILLETT. Why not?

Mr. GARNER. Because we tried to get to consider this bill to-day under the five-minute rule in the Committee of the Whole House on the state of the Union and the gentleman objected to that and we are considering it in the House.

Mr. GILLETT. But we can agree that amendments be considered under the five-minute rule.

Mr. GARNER. But in the House, as in Committee of the Whole House on the state of the Union, you have got to keep 220 Members here as a quorum, whereas if we had gone into Committee of the Whole House on the state of the Union under the five-minute rule we would only have required 100 Members for a quorum.

Mr. GILLETT. How does that affect debate under the five-minute rule in the House?

Mr. GARNER. It affects it to the extent that in one case you have to have 100 Members and in the other case you have to have 220 for a quorum.

Mr. WALSH. Of course, there have been 220 here all the afternoon.

Mr. GARNER. Can not we make some agreement as to offering one or two or three amendments and then move the previous question on all amendments and the bill to final passage?

Mr. STAFFORD. What objection is there to the suggestion of the gentleman from Massachusetts that this bill be considered for amendment by sections under the five-minute rule?

Mr. KITCHIN. I suggest the gentleman from North Carolina ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union—

Mr. GILLETT. I should not care to agree to that, because there is this distinction, in the House you have the right to a roll call on each amendment.

Mr. KITCHIN. The gentleman would under this.

Mr. GILLETT. Not if you are considering it in the House as in the Committee of the Whole House on the state of the Union.

Mr. KITCHIN. It would be considered as in the Committee of the Whole House on the state of the Union.

Mr. GILLETT. The gentleman means by that to shut off a roll call—

Mr. KITCHIN. You can not shut off the roll call by that.

Mr. GILLETT. Then I should have no objection.

Mr. KITCHIN. I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KITCHIN. When you consider a bill in the House as in the Committee of the Whole House on the state of the Union any person is entitled to demand the yeas and nays, and if

one-fifth of the Members present are in favor of demanding the yeas and nays there must be a roll call, must there not?

The SPEAKER pro tempore. The Chair's recollection is that that rule applied to bills that were on the Union Calendar that were considered in the House as in the Committee of the Whole, but as to the bills that were on the House Calendar, the Chair's recollection is not clear about.

Mr. KITCHIN. Suppose we get unanimous consent to consider the bill in the House as in the Committee of the Whole? That carries with it, certainly, the right to a roll call.

Mr. GILLETT. Mr. Speaker, there is not the slightest disposition, when I speak of a roll call, to filibuster. I do not think there is the slightest disposition on this side to do that, and we will not want any roll call on the amendment.

Mr. GARNER. Let me make a suggestion to the gentleman from Massachusetts. I have no desire to object to considering the bill in the House as in the Committee of the Whole under the five-minute rule, except I want the gentleman from North Carolina [Mr. WEBB] to reserve his right to move the previous question on the bill and all amendments to final passage at some stage of the procedure. Why does not the gentleman ask, if he knows just exactly the number of amendments that are wanted to be offered—

Mr. GILLETT. I do not.

Mr. GARNER. And say, for instance, that half a dozen may be offered?

Mr. STAFFORD. The gentleman realizes that the orderly procedure will be to take up the bill by sections, as suggested by the gentleman from North Carolina [Mr. WEBB], under the five-minute rule.

Mr. GARNER. At what time would the gentleman from North Carolina [Mr. WEBB] be able to move the previous question?

Mr. STAFFORD. At the conclusion of the reading of the bill.

Mr. GARNER. That might be a week from now.

Mr. KITCHIN. I think this, that if the unanimous consent, as suggested by me, was granted the gentleman from North Carolina, or any other gentleman, if he got the floor, could demand the previous question at any time. But they would hardly do it, and I have never known it to be done when we were working in the House as if it were in Committee of the Whole under the five-minute debate. But he still would have that power. As I understand, under such unanimous-consent agreement as I suggested you could read the bill under the five-minute rule.

Mr. GILLETT. Section by section?

Mr. KITCHIN. And no general debate. You could read it, and the Members could offer the amendments just as if we were in the Committee of the Whole House on the state of the Union, but if any division occurred a roll call could be demanded. Another privilege which a Member could have when he got the time and was recognized would be that he could demand the previous question and cut off all amendments. It is a question as to whether or not the House would give it, of course.

The SPEAKER pro tempore. If the Chair may be permitted to make a statement, this is a somewhat peculiar situation. It is the first time in the recollection of the Chair that general debate has been agreed upon on a bill that is on the House Calendar.

Mr. STAFFORD. Will the Chair permit me, in that particular—

The SPEAKER pro tempore. If the Chair might be permitted to suggest, there is considerable time left under general debate, as agreed upon. There could be an agreement whereby gentlemen could offer their amendments during the time of general debate and speak to their amendments or the bill. It would seem to simplify the situation.

Mr. WEBB. If that could be agreed to, Mr. Speaker, I would be willing to extend the time for the general debate an hour or two.

Mr. STAFFORD. Does not the gentleman realize that the more orderly procedure would be to have the bill considered section by section and have the amendments offered as suggested and have the debate limited and amendments voted on?

Mr. WEBB. That is the way in the Committee of the Whole.

Mr. STAFFORD. After the gentleman from North Carolina [Mr. WEBB] obtained unanimous consent to have this bill considered it was the understanding that there would be a liberal debate, not only general debate, but also liberal debate on and opportunity offered for amendment? It is only the carrying out the understanding of the House to follow the suggestion of the gentleman from North Carolina.

Mr. GILLETT. I do not see any inclination upon the part of the Members on this side of the aisle to filibuster.

Mr. GREEN of Iowa. Not a bit.

Mr. KITCHIN. And I am sure that there is no intent or purpose, if we have the unanimous-consent agreement—that is, in the mind of the gentleman from North Carolina [Mr. WEBB] or any other gentleman on this side—to demand the previous question. Of course, he can control the situation if he sees that the Members on that side are just simply filibustering. Then, of course, he would demand it.

Mr. GILLETT. I would not blame him under those circumstances. On the other hand, we want the right to discuss amendments freely, as was understood, and it seems to me, under the five-minute rule, it is limiting debate very emphatically. But that is the understanding I had this morning when we agreed upon the general debate. I understood it was not expressed in it, but it was the implied understanding, that after that we were to agree to take up the bill under the five-minute rule.

Mr. MOORE of Pennsylvania. I think it is fair to the gentleman from North Carolina [Mr. WEBB] to say that is about the understanding he gave this morning.

Mr. WEBB. That is what I wanted. I am trying now to arrange a procedure by which that very thing can be carried out.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. WEBB. The trouble of it is we are trying to operate under the five-minute rule in the House, when there is no provision for that sort of thing in the House.

Mr. MOORE of Pennsylvania. I have not heard of more than two or three amendments. I have one that I want to offer. That would not take more than five minutes, so far as I am concerned. I do not know as to other gentlemen.

The SPEAKER pro tempore. If the gentleman from North Carolina would yield the floor for an amendment, he would lose, of course, control of the floor under the general rules of the House.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. If the House should agree to the unanimous-consent request made by the gentleman from North Carolina [Mr. KITCHIN] that we consider this bill in the House as in Committee of the Whole and read the bill by paragraphs under the five-minute rule, would the gentleman from North Carolina [Mr. WEBB], at any time he saw proper, have the right to get the floor and move the previous question on the bill and amendments? Would that be in order?

Mr. WEBB. Before finishing the reading?

Mr. GARNER. Yes.

The SPEAKER pro tempore. I do not think so.

Mr. GILLETT. I think we ought to read the bill. Then why not agree to it?

Mr. GARNER. Mr. Speaker, may I make a suggestion to the gentleman from North Carolina, Mr. KITCHIN, and the gentleman from North Carolina, Mr. WEBB? Why not set an hour to-morrow at which we will take a vote on all amendments and the bill on final passage?

Mr. GILLETT. We will not know how much time we will want.

Mr. STAFFORD. Some conference reports may be presented that will require time and some amendments may be offered. Let us carry out the original intention for the consideration of the bill.

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

Mr. WEBB. Yes.

Mr. WALSH. Will it be a public calamity if the bill is not passed to-morrow before adjournment?

Mr. WEBB. Well, I am anxious to expedite the passage of the bill just as the gentleman is.

Mr. GILLETT. Why not agree that the bill shall be read section by section, and that amendments be allowed to each section, and have a five-minute debate on each, and at the end of the reading order the previous question?

Mr. GARNER. I agree with the gentleman from Massachusetts that there ought to be opportunity given to amend the bill, although I will confess that if I were in control of the bill I would move the previous question. But I am not in control of the bill. If one-fifth of the membership of the House, enough to call for the yeas and nays, should see proper to filibuster, you could not pass this bill in a week to save your life, because you could get a roll call on every amendment.

Mr. KITCHIN. The gentleman from North Carolina would then have the right to move the previous question.

Mr. GARNER. He would not have the right under this rule to move the previous question. But the Committee on Rules could then bring in a rule and do away with it.

Mr. GILLETT. There is no disposition, I will say, on this side to delay the passage of the bill.

The SPEAKER pro tempore. If the Chair may be permitted to make a suggestion, it seems there should be no great disagreement. It seems to the Chair that the gentleman from North Carolina [Mr. WEBB] and the gentleman from Massachusetts [Mr. GILLETT] being thoroughly agreed as to what they desire, should be able to get together between now and morning and draw up a proposition and submit it for unanimous consent. That would obtain the exact end that it is desired to attain. If you attempt to do it now by unanimous consent, it confuses the matter under the general rules of the House.

Mr. WEBB. I think we are pretty well agreed upon what we want to do. I ask unanimous consent that when the general debate is exhausted on the bill we shall consider the bill in the House as in Committee of the Whole under the five-minute rule, and at the end of that consideration the previous question on the bill shall be considered as ordered.

Mr. KITCHIN. At the end of the reading of the bill under the five-minute rule?

Mr. WEBB. Yes. I will say that I want fair discussion on any amendment, but if there is any disposition to filibuster I want to use any right that is given to me by the rules. But I am sure that will not be necessary.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that when the general debate shall have been concluded the bill shall be read for amendment—

Mr. KITCHIN. By sections—

The SPEAKER pro tempore. And that there shall be applied to it what is known as the five-minute rule, and that at the end of the reading for amendment under the five-minute rule the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEBB. During the discussion of the bill under the five-minute rule—I ask the Speaker the question if it would be in order, in case the necessity arises, to move the previous question?

The SPEAKER. Whenever the gentleman from North Carolina yields the floor for purposes of amendment he yields the floor for all purposes, and loses control of the floor. If he should get recognition at any time, of course, he would still have the floor.

Mr. WEBB. I am willing to stay here a whole week and debate the bill and consider amendments to it, as far as I am concerned.

Mr. GILLETT. All we want is an opportunity to have the amendments considered.

The SPEAKER pro tempore. There was no objection to the request of the gentleman from North Carolina, and that order is made.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday for this week, Wednesday, be dispensed with.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the Calendar Wednesday business upon next Wednesday be dispensed with. Is there objection?

Mr. BANKHEAD. Reserving the right to object, what committee have the call?

Mr. KITCHIN. The Committee on Interstate and Foreign Commerce, and they do not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GEORGE CREEL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent for two minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to speak for two minutes. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Speaker, I call the attention of the gentleman from North Carolina [Mr. KITCHIN], who is the leader of the House, and so probably more than anyone else responsible for its dignity, to a sentence from a speech by Mr. George Creel, who holds an important Government position under this administration, made in New York yesterday. In the course of his speech the question was asked him:

What is a loyal heart? Have all the Members of Congress loyal hearts?

Mr. Creel responded:

I don't like slumming, so I won't explore into the hearts of Congress.

I think it is not improper to bring that to the attention of the leader of the House for his opinion or action.

Mr. KITCHIN. I do not know that my opinion will be worth anything. I should like to know what paper the gentleman is reading from.

Mr. GILLETT. The New York World of this morning.

Mr. KITCHIN. With all respect to the New York World, I would rather see that verified by Mr. Creel or somebody else, rather than take what the New York World says about it. In my experience in reading the New York World I have found that it is most difficult for that paper to state the exact facts about anything. [Applause.] But I would say this, that if Mr. Creel or anybody else at the head of any responsible bureau, or department, or commission under this Government made any such statement, or has any such opinion of Congress, then he is not worthy the respect of any Member of this House, or of any patriotic or decent citizen of the United States. [Applause.]

INDIAN APPROPRIATIONS.

Mr. CARTER of Oklahoma presented the conference report on the bill H. R. 8696, which was ordered to be printed in the RECORD under the rule.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until Tuesday, May 14, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11520) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department;" approved September 2, 1914, reported the same with amendment, accompanied by a report (No. 559), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 2614) to amend sections 2139 and 2140 of the Revised Statutes and the acts amendatory thereof, and for other purposes, reported the same with amendment, accompanied by a report (No. 560), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11092) granting an increase of pension to Isaac N. Dysard; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11441) granting an increase of pension to John Fink; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11972), granting a pension to Mary A. Abbott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GANDY: A bill (H. R. 12082) authorizing the sale of certain lands in South Dakota for cemetery purposes; to the Committee on Indian Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 12083) to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. CALDWELL: A bill (H. R. 12084) granting an increase of pension to John Collins; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 12085) granting an increase of pension to Oliver R. De Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12086) granting an increase of pension to Benjamin H. Weaver; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 12087) granting a pension to John Byron Golden; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 12088) for the relief of the heirs of Benjamin S. Roberts; to the Committee on Claims.

By Mr. HASKELL: A bill (H. R. 12089) granting an increase of pension to Andrew Wray; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 12090) granting an increase of pension to John C. Dickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12091) granting an increase of pension to Renhard Habig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12092) granting an increase of pension to James F. Justice; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12093) granting a pension to Charles H. Beatty; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 12094) granting an increase of pension to Paul A. Lynch; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 12095) granting an increase of pension to Edwin A. Gordon; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12096) granting a pension to W. W. Treadway; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 12097) granting a pension to Laura A. Woods; 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 Mr. CLARK of Pennsylvania: Petition of Rev. A. S. M. Hopkins, pastor Asbury Methodist Episcopal Church, of Erie County, Pa., praying for the repeal of the Federal law for increase of postage rates on periodicals; to the Committee on Ways and Means.

By Mr. ELSTON: Petition of Mrs. E. S. Godling, Mrs. A. R. Tilley, Mrs. M. C. Lane, and others of Alameda County, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition of the faculty of Monmouth College, Monmouth, Ill., protesting against the zone system of postage on second-class mail matter and petitioning for the repeal of the same; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Memorial of Rev. John A. Armstrong and 46 other citizens of Kensington, Ohio, asking repeal of zone system of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Iowa: Resolutions of the citizens of Washington and Fairfield, Iowa, on the subject of polygamy; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of the Sons of Temperance of Connecticut urging the passage of war prohibition legislation now pending in Congress; to the Committee on the Judiciary.

By Mr. RAKER: Petition or memorial of the national service and war-time commissions of the American churches in re prohibition; to the Committee on the Judiciary.

Also, resolution adopted unanimously by the Grand Commandery of Knights Templar, of San Francisco, in unwavering support of the war; to the Committee on Military Affairs.

By Mr. RUBEY: Petition of 24 citizens of Phelps County, Mo., urging the prohibition of publication of German language papers and the teaching of German in public and high schools; to the Committee on the Judiciary.

SENATE.

TUESDAY, May 14, 1918.

(Legislative day of Monday, May 13, 1918.)

The Senate met at 12 o'clock noon.

ESTIMATES OF APPROPRIATION (S. DOC. NO. 224).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting supplemental estimates of appropriation in the sum of \$275,000 required by the District of Columbia for such additional services, improvements, maintenance, and repairs as may be urgently needed, due to the existing war, for the fiscal year 1919, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.