

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII,

Mr. KAHN introduced a bill (H. R. 12910) to amend section 24 of an act entitled "An act for making further and more effectual provisions for the national defense and for other purposes," approved June 3, 1916, as amended, which was referred to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ELLIOTT: A bill (H. R. 12911) granting a pension to Lewis M. Strain; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 12912) granting an increase of pension to L. C. Bohannon; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 12913) for the relief of Edna R. Brady; to the Committee on Claims.

By Mr. SHOUSE: A bill (H. R. 12914) granting an increase of pension to Orceneth F. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Chamber of Commerce of the United States of America, submitting a report of the Federal trade committee of the Chamber of Commerce of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: Petition of Frederick W. Evans, for enactment of war-time prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Memorial of the Board of School Commissioners of Baltimore, Md., favoring "The Star-Spangled Banner" as the national anthem; to the Committee on the Library.

By Mr. SNOOK: Petitions of H. H. Miller and 35 others, of West Unity, Ohio, and of A. C. Schantz and 66 others, of Archbold, Ohio, protesting against the proposed rate of taxation on the sales of automobiles; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the White Haven Sanitarium Association, favoring House bill 9223; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of the Women's Christian Temperance Union of New Rockford, N. Dak., urging war-time prohibition; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, September 11, 1918.

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

Almighty God, we have committed our way into Thy hands. Our national problem is to know and to do the will of God. We pray Thee to give the inspiration of Thy Spirit that we may discern the path of duty and right and by Thy grace maintain the ideals that have been committed to us as a Nation. Grant us Thy guidance and blessing this day. For Christ's sake. Amen.

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

SENATOR FROM NEW HAMPSHIRE.

Mr. LODGE: Mr. President, I present the credentials of Hon. IRVING W. DREW, appointed by the governor of the State of New Hampshire a Senator to fill the vacancy in the Senate created by the death of the late Senator GALLINGER.

The VICE PRESIDENT. The Secretary will read the credentials.

The credentials were read, as follows:

STATE OF NEW HAMPSHIRE,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Hampshire, I, Henry W. Keyes, the governor of said State, do hereby appoint IRVING W. DREW a Senator from said State in the Senate of the United States until the vacancy therein, caused by the death of JACOB H. GALLINGER, is filled by election, as provided by law.

Witness: His excellency our governor Henry W. Keyes, and our seal hereto affixed at Concord, this 2d day of September, A. D. 1918.

HENRY W. KEYES, Governor.

By the governor:
[SEAL]

EDWIN C. BEAN,
Secretary of State.

The VICE PRESIDENT. There being no objection, the newly appointed Senator will present himself at the desk for the purpose of taking the oath of office.

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

PRODUCTION AND CONSUMPTION OF GASOLINE (S. DOC. NO. 277).

The VICE PRESIDENT laid before the Senate a communication from the United States Fuel Administrator, transmitting, in response to a resolution of the 9th instant, a statement relative to the production, consumption, and exportation of gasoline, which, with the accompanying paper, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 172) authorizing the President to establish zones in which intoxicating liquors may not be sold, manufactured, or distributed, and it was thereupon signed by the Vice President.

RESOLUTIONS.

Mr. CURTIS presented resolutions adopted by the Pecos Valley Water Users' Association, of El Paso, Tex., favoring the enactment of legislation for the reclamation of arid and swamp lands for the use of soldiers returning from the war, which were referred to the Committee on Public Lands.

WOMAN SUFFRAGE.

Mr. PHELAN. Mr. President, 1,050,000 citizens, North, South, East, and West, have petitioned the Senate of the United States in favor of equal suffrage. The petitions were circulated by the Hearst newspapers, and I desire to present them to the Senate. The petition of the 1,050,000 is as follows:

To the Senate of the United States:

The President says that the suffrage amendment should be passed as a just recognition of the work American women have done for the support of the war. We agree with the President.

The President says that this suffrage amendment is a necessary war measure; that it will help to win the war.

Senators, that alone is surely reason enough why you should vote for the amendment.

Senators, your petitioners urge you to stand by the President and to heed his advice and vote for the suffrage amendment, both as a war measure that will help us to win victory sooner and as an act of high justice to the patriotic women of the United States.

The women in my State have long enjoyed suffrage, and as a result of that experiment I am free to state that it is an example worthy to be followed by the other Commonwealths of the country and by the country itself.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

ELECTION OF PRESIDENT AND VICE PRESIDENT.

Mr. SHAFROTH. For the Senator from Tennessee [Mr. SHIELDS, from the Committee on the Judiciary] I submit the views of the minority on the joint resolution (S. J. Res. 12) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President without the intervention of the Electoral College, establishing their terms of office from the third Tuesday of January following their election, and fixing the time when the terms of Senators and Representatives shall begin, and I ask that they be printed as part 2 of Senate Report No. 165.

The VICE PRESIDENT. The report will be received and printed.

RESURVEY OF TOWNSHIP LINES.

Mr. NORRIS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 8004) authorizing the resurvey and retracement of lands heretofore returned as surveyed public lands of the United States under certain conditions, and I submit a report (No. 566) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per cent of the area of which townships is privately owned, accompanied by a deposit with the United States surveyor general for the proper State, or if there be no surveyor general of such State, then with the Commissioner of the General Land Office, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Commissioner of the General Land Office, subject to the supervisory authority of the Secretary of the Interior, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands; that the sum so deposited shall be

held by the surveyor general or commissioner when ex officio surveyor general and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the person making said deposits or their legal representatives; that the proportionate cost of the field and office work for the resurvey or retrace-ment of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements; that similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court; that the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into full force and effect.

The VICE PRESIDENT. Is there objection to the present 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 a third reading, read the third time, and passed.

LANDS IN WASHINGTON.

Mr. MYERS. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 4886) providing for the sale of certain lands in the original town site of Port Angeles, Wash., and I submit a report (No. 565) thereon. I call the attention of the Senator from Washington [Mr. JONES] to the bill.

Mr. JONES of Washington. This is a short bill, and is in the nature of an emergency act to authorize the sale of a very small tract of land to a mill company that is constructing a mill to be used in spruce production in connection with the airplane work. I ask for its present consideration.

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

The amendment was, in line 4, to strike out the name "Gerbaugh" and insert "Kerbaugh," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to sell to the Siemens, Carey & H. S. Kerbaugh Corporation, a corporation organized under the laws of the State of Washington, that part of United States hospital reserve in the original town site of Port Angeles lying north of the Northern Pacific Railroad tract as now located thereon at such a price as may be agreed upon between said company and the Secretary of the Treasury, and that the Secretary of the Interior is authorized and directed to issue patent therefor upon payment of the sum agreed upon.

The amendment was agreed to.

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

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

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. JONES of New Mexico, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 300, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Finance be, and it is hereby, authorized to employ an additional clerk, at the rate of \$150 per month, for a period lasting from September 14, 1918, until the end of the present session of the Sixty-fifth Congress, to be paid out of the miscellaneous items of the contingent fund of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. WALSH:

A bill (S. 4919) authorizing the Secretary of the Interior to issue patent to George Van Voast (with accompanying papers); to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 4920) granting a pension to Isaac D. Hamilton; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4921) to provide relief for the drought-stricken portions of the United States; to the Committee on Agriculture and Forestry.

By Mr. SMITH of Georgia:

A bill (S. 4922) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment; to the Committee on Education and Labor.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 173) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex.; to the Committee on Claims.

THE REVENUE.

Mr. RANDELL submitted an amendment intended to be proposed by him to the bill (H. R. 12863) to provide revenue,

and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PRODUCTION AND CONSUMPTION OF MINERAL OILS.

Mr. LODGE submitted the following resolution (S. Res. 301), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Bureau of Mines be directed to send to the Senate any information in their possession in regard to the production and consumption of crude petroleum and other mineral oils in this country, the amount required for export, and the estimated stocks on hand at the present time.

REPORT OF DIRECTOR GENERAL OF RAILROADS (S. DOC. NO. 275).

Mr. SMOOT. Mr. President, the other day there was presented to the Senate a message from the President of the United States transmitting the report of the Director General of Railroads, and in that report the Public Printer finds a diagram of the States of the Union indicating the railways that have been operated by the Director General. I ask that the Public Printer be authorized to print this diagram in connection with the report.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. I wish to ask the Senator from Utah if there are any extra copies of that report ordered printed?

Mr. SMOOT. I will say to the Senator there are not. I do not know how many will be wanted.

Mr. FLETCHER. I have had some requests myself, and I imagine there will be quite an extended demand for the report.

Mr. SMOOT. That will develop.

Mr. FLETCHER. I understand the committee will print extra copies.

Mr. SMOOT. The committee can print them if they are desired, up to a thousand copies.

Mr. FLETCHER. It was ordered printed by the Senate?

Mr. SMOOT. It was ordered printed by the Senate.

Mr. FLETCHER. And extra copies will be ordered printed by the committee if there is a demand for it?

Mr. SMOOT. Yes.

Mr. FLETCHER. I think it is an important report and extra copies ought to be printed.

PRINTING OF ADDRESS BY SENATOR PHELAN.

Mr. PITTMAN. Mr. President, I have here a copy of an address by the junior Senator from California [Mr. PHELAN] published in the record of the Commercial Club of San Francisco, which was delivered before that club August 17, 1918, on the occasion of a reception gotten up for M. Albert Metin, of the French cabinet, who was on a mission to Australia and who died after having reached San Francisco. The intended reception was really in the nature of a memorial exercise, and on that occasion Senator PHELAN delivered an address dealing with the relations between the United States and France, which, I think, is worthy of being published in the RECORD.

Mr. SMOOT. There was so much confusion in the Chamber that I did not hear who delivered the address.

Mr. PITTMAN. Senator PHELAN. It was in the nature of a memorial exercise at what was intended as a reception to M. Albert Metin. M. Metin died and it was turned into a memorial exercise. The address largely deals with the life of the deceased and with the relations between this country and France. I ask that it be published in the RECORD.

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

The address of Senator PHELAN referred to is as follows:

Mr. President, ladies, and gentlemen, your meeting has been turned into a memorial. There is nothing so common as death, and yet, when it comes in all its suddenness, there is nothing so surprising and so appalling. In view of the tragedy which is being enacted on the fields of France there is a strange significance given to the words of Bryant, that all who walk the earth are but a handful to those who sleep within its bosom.

Verdun, the Marne, and now Chateau-Thierry are a graveyard. Men there are giving up their lives every moment for a great cause, while we pause in wonderment at death. It cometh as a thief in the night, we are told. And, perhaps, it is because of the sudden and unexpected character of the death of the great statesman, whose loss we mourn, that we are making account of it. Perhaps it is because, as a guest of our city, he came in the fullness of his vigor to render important service to his country that we feel the shock of his taking off. It has come home to us. We read of casualties but we see the grim image of death stalking in the streets of a peaceful city and striking down men not engaged in warfare, not engaged in actual fighting or needlessly exposing themselves, but men following the even and orderly pursuits of life.

The loss of M. Metin will be a great one to his country. He was distinguished in the sciences. He was a student of public affairs and economics. He served as a member of the French cabinet, with the portfolio of labor, and it was in the interest of the industrial welfare of the people that he had taken up this mission to go to the remotest corners of the earth and to come back and inform his Government and inform the world of those conditions necessary for a full comprehension of our duty to-day in preparing for that period after the war which will engage the highest attributes of statesmanship. So his loss is not only a loss to his friends, it is a loss to the cause in which he was engaged, and to that extent it is our loss.

This man, student, statesman, engaged in the constructive work of administration and reform in his own land, found time, we are told, in common with his gallant compatriots, to enlist in the Army, and he bore upon that breast, now silent forever, the decoration of France—the Croix de Guerre, won by the exercise of superb courage upon the field of battle.

And so he dies crowned with glory.

Since all must life resign
Those sweet delights which decorate the brave,
'Tis folly to decline
And steal inglorious to the silent grave.

So he wore with pride the decoration put upon his breast by the President of the Republic; and in giving up his life he leaves behind him the example of a soldier and a statesman, and so it may be said he has not died in vain.

It can not be said that great men die in vain, because it is still true that they rule as from the grave. The example they set, the researches they have made, the study they have given to the great problems of life, remain a permanent record. His thought is embalmed in 12 volumes, we are told. So it can not be said that his passing—a great personal loss to his friends, a great present loss to his country—is necessarily an irreparable loss to the world. He might have accomplished much more, but what he has accomplished belongs to us. Christ is stronger after these thousand years than He was when He gave up His life for humanity. Washington, dead a hundred years, is our leader to-day.

I often think of the men who are dying on the fields of battle. What have they accomplished in the face of an implacable foe?

Few survive to tell the story,
Few survive to share the glory;
How they vanquished side by side,
How they conquered, how they died;
But the land which gave them birth,
Crowns them monarchs of the earth.

That is a poetic tribute and prophecy and relates to the men who die in battle. Quoth the poet in his wisdom, "the land that gave them birth crowns them monarchs of the earth." That is to say, whatever they have done by way of sacrifice for us is an impelling and irresistible force requiring us likewise to serve. They rule us because we can not in good faith, honor, and decency suffer them to have died in vain. When you are told that your boy has died in a noble cause his voice, though still, is imperative. You take up the sword which he has laid down and carry it to a final victory. So, indeed, we are still ruled from the grave.

This man, I told you, was not only a statesman but a soldier. Then the command came to him to go across the perilous sea, beset with submarine danger, and over the sea he came and over the continent he came. The perils and hardships of travel are greater now than ever before; and yet, obedient to the command, no matter what was his physical condition, he came, and his death in the service of his country is just as glorious as though he had died upon the field of battle.

The cause for which he died—the cause of France, if you please, is America's as well. His death has unified, if such a thing were necessary, the hearts of Americans and French in this community. Indeed, we are bound in a cause from which we can not be separated even by death. The cause of France and America is so indissolubly associated not only by the historic traditions of the past but by present service that what Benjamin Franklin said as a mere sentiment now has become an actuality, with our million men upon French soil, that every American has two countries—his own and France. [Applause.]

It was a Californian, my friend Col. Stanton, who, when unexpectedly called upon to address the multitude before the statue of Lafayette given to the French by the school children of America—there, close to the Louvre, I remember it well—he looked about him for an inspiration; and, not being a man of speech, he simply uttered the words than which none could be more eloquent, "Lafayette, we are here!" And so, wherever there is a call from France, wherever their people are in distress, wherever honor is due them, as in our community to-day, every American will respond lovingly and affectionately, for the

love which we have for France is something we received in the very hour of our birth, because without France we would not have been able to have asserted our independence and our sovereignty and be a nation at all. We are brothers, blood kindred, France and America.

I remember my earliest school experience was in San Francisco, where I went to a little French school conducted by Madame Maum, on old Powell Street; and I have preserved in a very feeble and poor way the instruction which I received at that time. I remember—and I will repeat to you—the story of Mary, Queen of Scots, who, after spending her honeymoon—the ladies will remember it—at Chenonceaux in the beautiful region of Touraine, like in many respects our own beloved California, was sent out of the country and soon gave up her life. And in leaving the shores of France she said:

Adieu, charmante pays de France,
Que Je dois tant chérir
Berceau de mon heureuse enfance
Adieu, adieu, to quitter c'est mourir.

Good-by, most charming and lovely France, to whom I owe everything that is dear and sweet in my life; the cradle of my girlhood, good-by, good-by. To leave thee is death.

And every true Frenchman feels that same sentiment, that to leave his beautiful France—his Paris, the capital of the world, and come into a strange land, no matter what may be its attraction, is to him death; and M. Metin, in leaving France, indeed, left to die.

The affection which that country has for its own people is shared by our people, and the reasons are manifest. We go there and find a hospitable people, who open to us the doors of their superb galleries and museums, their public places, and they confer upon our boys and the young women every opportunity which their own children enjoy in pursuing the arts. Their Ecole des Beaux Arts is free to all Americans, and our people have gone there and profited by the instruction given them in that great land. It is a land of creative genius—music, painting, sculpture, everything in the highest degree. There thrives as in its native soil, literature, science. Is there anything that France does not possess, or possessing has not generously given it to the world? And yet, the Germanic autocrat has stated—in view of the circumstances it is hardly credible—that the object of German ambition is to impart its "kultur" to the people of the world. The idea of giving German kultur to France, or to England, or to the United States, which has absorbed from France and England and Italy the best that they have in the domain of science and art and statesmanship! It is the most presumptuous claim that was ever made for a cause, seeking to justify it, that they were giving something better than we have. The fact is that the genius of France is for man and for humanity and for fellowship. The genius of Germany is for superman, for autocracy, for domination. France—humanity; Germany—superhumanity, if I might coin the word. And that means that the German idea is that there is no love and affection and giving in the world, no gentle grace, no generous disposition. Everything is based upon force and the survival of the fittest, right in the face of Christian teaching for 2,000 years; right in the face of the practice of France and the Latin countries who believe in humanity and believe in fellowship and believe in sharing what their genius has created and endowed with their neighbors less endowed.

And you find that the spirit of Germany is opposed, as illustrated by its autocrats—is diametrically opposed to the spirit and genius of France, and hence irreconcilable. There is no way of overcoming the danger of world domination by the Hun, with its false civilization based upon force and the survival of the fittest, than to put him down by his own weapons; and our great President, a man of peace, hesitated long before he declared that the only way to meet this grave danger is by force, and by more force, and then still more force, putting upon our population, as Congress is doing to-day, to the last man, if necessary, the duty to save the world, humanity, civilization, and democracy, for the generations that are yet to come, for that precious possession handed down in trust to us by our French revolutionary sires, as well as by our American revolutionary sires, and by our English revolutionary sires, justice and freedom!

The charter won from King John at Runnymede was really the foundation of the American Constitution. It was a deadly blow hurled at the head of autocracy. I was at a Fourth of July celebration in Washington recently, and the Declaration of Independence, as customary, was about to be read in the very presence of the British Ambassador—which seemed to me a most embarrassing moment, but the chairman of the committee said, "Now, I am going to read, as customary, the Declaration of Independence; and I wish to remind the audience that it is directed against a German who was temporarily seated upon the throne of England." [Applause.]

Why, France saved civilization. Theodorik stopped Attila's Hunnish invasion at the Battle of Chalons, 451 A. D., and saved civilization. Charles Martel, at Tours, 732 A. D., drove back the hordes of Saracens and Arabs which would have overwhelmed Europe and destroyed her civilization, just as the Goths had overwhelmed the Roman Empire, wiping it out, utterly destroying it, leaving no stone upon stone, and only what survived was carefully gathered together by a few men of the Middle Ages, which bridged over the last gap between the great Roman Empire and the modern world. Those few men deserve all praise for preserving the learning and art of the past that they would be handed down to us; but the Hun would have razed every fragment of them to the ground, and had almost succeeded in doing it. The French drove back these invading tides, and Sobieski, at the gates of Vienna, performed the same service, and Poland, the country now suffering on account of German aggression, saved civilization from the Mongols.

And hence, when we are told that the purpose of the autocrat of Germany, or Prussia, is to give us a civilization, we must recall the fact that we have a civilization and that what civilization we have was saved by the French, and the Poles, the very people against whom he is directing his shafts. France is responsible for the birth of European freedom. Her sons, longing for liberty, suffered long also from the autocrats—from the Louises who ground the people in the dust. Read the story of Young—a narrative of the time. See the deplorable condition in which these good French people were under their ornamental and tyrannical monarchs. And finally, they arose and threw off this burden of falsely representative government, because, who dare say, in the light of history, that the reign of the Louises in any way reflected the genius and character and liberty-loving purpose of the French? I think the German people, released from the autocracy of the Hohenzollerns, will show that same spirit; because, did they not show it in 1848, before the organization of the German Empire? And did they not come in vast numbers to this country and settle and become exemplary citizens? I have no sympathy with the criticism of the German people, and I dislike—and I share the dislike of the administration, in seeing them taunted with the fact that they are Germans. Most of them are rebellious Germans, and would be willing, were it in their power, to overthrow that dynasty and establish a government more representative of the people. And that thing is going to come inevitably, because that is the purpose of our warfare. The President has said that in the council of nations after the war Germany may be admitted provided the Hohenzollern dynasty and its methods be repudiated by the German people. He has made that declaration. [Applause.]

But we all love the French, because they are men of red blood, inspired with patriotic fervor. We love the Marseillaise, the greatest national song of the world, because it is a call to arms arousing the people to defend their rights. The French Revolution was a horrible thing. It destroyed right and left every obstacle in its way, but it was a necessary thing. Just as war on the vast scale which we see it to-day is necessary for the purpose of reestablishing democracy, so was the French Revolution necessary to create democracy. Long held down, the people broke in their fury and destroyed their tyrants. And the Russian people are undergoing such an evolution to-day; and though whatever may be its forbidding aspects, we must always parallel it with the French Revolution, and the horrors may continue until they find at last their level, and realize, under the leadership of wise men who are sure to arise, that their duty is to respect the lives and property of one another in order that they may enjoy peace. But they do not want peace unless they have at the same time an assurance of reward for their labor, and of the enjoyment of their political rights which have been outraged by the Romanoffs all these centuries. We must put ourselves in the place of these people and not condemn them on account of the atrocities of which we hear. We must realize that we possess everything worth having, and we are fighting to preserve it. The stake is so great that we are willing to make the supreme sacrifice, and they are fighting simply to enjoy what we have so long possessed. And they will win.

A great writer has said that democrats and aristocrats, patricians and plebeians, have alike dyed their hands in blood in working out the problems of politics; but impartial history declares that the crimes of the popular party have been lighter in degree, whilst they have more in themselves to excuse them. And if the violent acts of the revolutionists have been held up the more conspicuously for condemnation, it is only because the fate of gentleman and nobleman is more impressive to the imagination than the fate of the peasant and the artisan. [Applause.]

And so this "First Moloch, horrid king, besmeared with blood of human sacrifice and parents' tears"—this Hohenzollern chief, bent upon forcing dominion upon the world, including the United States of America, he will realize inevitably before a very long time that the power of an aroused people fighting for their rights and for their soil is invincible, and will be triumphant over the forces of those men who are lashed like galley slaves to the ranks of war. I do not believe there is any heart in the rank and file of the German Army. They are driven under a policy of that same fearfulness which they sought by submarine warfare and by atrocities to put upon us. They know that if they do not fight they will die anyhow, so they move as a machine would move, under the direction of the military caste.

But inevitably a warfare conducted for selfish purpose must yield before a land and before a people bent upon preserving their own territory undefiled, bent upon maintaining their rights which are theirs by law divine, the enjoyment of their own homes and of their own political independence won so dearly by sacrifice in the past.

It was a general going to battle who said, "Oh, Lord, be neutral. If we are sinners, they are not saints." And if the Lord will only remain neutral there is no doubt whatever about the triumph of Franco-American forces.

I do not believe that there is a partnership between the Kaiser and God, although he has said so; but he has said many things that are not true; he has signed many treaties, and his word is of no worth and value. [Applause.]

They say that the lowest form of honor is commercial honor, which you people here all understand. It is an honor between men buying and selling, and you know that anyone who violates his word, although not written—the spoken word—is a pariah and an outcast. He might as well give up business, as there can be no business, no credit, no confidence, without honor. And so commercial honor is not only a sacred thing but is a necessary thing. But the Kaiser has not even got commercial honor. He lacks practical sense. It would be good business for him to respect his own obligations, but he and his ancestors from Frederick the Great down have regarded treaties as of no value, and have violated them at will, relying upon superior force; and he comes into an enlightened world with principles of that kind and seeks domination! He sought in America the winning of public opinion by a most subtle and corrupt propaganda. He went into our cities and towns and purchased organs of light and leading. He corrupted public men so far as he was able, but his ability to do that has been singularly poor in results, because no one has been accused in this country of having betrayed the cause in which we are engaged. I do not believe a public man has been involved in any scandal, which is highly creditable to the morals of our people. But he has invaded the offices of newspapers, as evidenced the other day in the matter of the Evening Mail, of New York, purchased outright for the very object of polluting and poisoning the sources of public opinion. How did we meet that?

I have been asked if life in Washington is agreeable. Not always, I should say. We have been obliged, by reason of the character of warfare, to adopt methods which, to say it mildly, strain the Constitution, which is the charter of our liberties. We have put restrictions upon trade, upon the habits and the lives of people; we have put restrictions upon the liberty of the press and the freedom of speech. And all this is made necessary by that insidious propaganda to which I referred, where men are hired to pervert public opinion and create defection. Sometimes it is in the form of pacifism, where men declare that they are opposed to war at any time and for any purpose. And they say, "That is our principle." There is always a grave doubt in cases of that kind whether or not they have been induced by somebody to take that stand. And when they take measures by speech or print to discourage men from entering our Army to meet the overwhelming danger which confronts them, then it is safe to say that they have been induced improperly to take that stand.

The American people are of one mind. They do not want war, they want peace; but they do not want peace on the terms proposed by the Kaiser, whereby America will be a vassal State. We want peace with our honor unstained. We want peace with our institutions intact, with our freedom and our rights unimpaired, owing homage to no foreign State whatever. We want, in the words of our leader, "the reign of law with the consent of the governed and sustained by the organized opinion of mankind." And the President has proclaimed it from the housetops that he is willing, as a result of this war, to see that every other nation enjoys the same immunity from interference, enjoys its independence, its domestic rights and privileges and property, and that there is no selfish purpose whatever in the

campaign of the allies, except to maintain the status quo and to hold on to that which has been won so dearly for us by the heroes and martyrs of the past. We can not surrender it. We shall not yield.

No one underestimates the power of the military machine of Germany, but Germany seems to have either underestimated the resources of America or believed that it would be impossible to make those resources available. We are now sending men over to the other side at the rate of 100,000 a week. We have over a million men there now. We have defied the submarine warfare, which has utterly failed. No outgoing transport has been torpedoed. It is a most phenomenal thing, reflecting enormous credit upon our administrators, men of all parties and of all ranks, drawn to service in Washington. The whole country has been organized, and as one man we are moving for the accomplishment of a common purpose. It is impossible to believe for a moment that we shall fail. Our resources are so great, in combination with those of our allies, that it is only a matter of time, and we all pray that that time shall soon come, when the horrors of war shall only be a recollection of the past.

But we are making every sacrifice. We are willing to give, and have given, our sons, not to speak of our means. We have actually given up our cherished ideals in restraining the press and speech, restraining the trade of our merchants, imposing burdens almost too heavy to bear; but these are the sacrifices we are making, and willingly make.

In Washington now they are devising a measure of taxation which will be additionally burdensome, but you understand it. Nobody wishes to impose a burden upon the American people—certainly not its own Congress—and it is only the stern necessity of the occasion that requires this to be done. And when you make your payments, although it probably hampers you in your business and curtails you in your domestic relations, do it as a part of the sacrifice, and you will easily reconcile yourself to it when you think that there are a million Americans over there ready and willing to give up their lives, while you are only asked to give up your comfort and your accumulations.

We must prepare for the future war period by training our men—I think we will have to come to that—so that we will always have a great potential army in case the peace of the world is disturbed. [Applause.]

And our merchants must tighten their lines and look out for the preservation and enlargement of our trade. Now, that does not mean the asserting of world dominion, although we will probably have in our hands that power. If we thought on the lines of Nietzsche, Bernhardi, and the Kaiser we would exercise such power. "It is a splendid thing to have a giant's strength, but it is tyrannous to use it like a giant." We will have 30,000,000 tons of merchant shipping. We will have a Navy unparalleled. In the State of California the Federal Government is spending to-day \$500,000,000 in building merchant ships and naval vessels. And that is what gives us the appearance of prosperity, because this money is being circulated and the workers are receiving it in large measure. And in that regard our community is more fortunate than other communities, where they are not spending Federal money for great public works. But we must look out for our trade and get a share of it by the education of our boys in the methods of trade and seamanship. Commerce is vitally necessary for national prosperity, but you can not have a conversation by doing all the talking yourself. You must allow the other fellow his share of that commerce. France can produce some things better than we can. Australia can produce some things better than we can. England can manufacture certain goods better than we can, and so Italy. And when the time comes to sit around the council board, if there be such a council on such a subject—and, indeed, Lord Robert Cecil, of the British House of Commons, has announced that 24 nations are now in alliance to sit around the council board and distribute, as it were, the commerce of the world—we must be ready to act. We have to go in with the same spirit of fraternal feeling, standing by our allies, as far as possible, in order that they may recuperate from their overwhelming losses, countries less resourceful than ours.

We have already advanced them vast sums of money. Selfishly, even, we are interested in the recovery by them of their trade and business. And so the world will be better off. There will be a better understanding and less fierce will be the rivalry, and certainly we will see to it that no rivalry shall so go out of bounds as to precipitate war. People have gone to war to get more business and to get more territory. Under the plan of our President that is barred. And he says, as I repeated before, that Germany will only be admitted to that council, sharing the trade of the world, when she has disciplined her Government; when the people, as the base in this country and in France, must tell the so-called rulers what the policy shall be, and that no longer shall decrees come down from the Kaiser, who

claims his authority from God. His is a reversal of democracy, and that inverted cone must return to its rightful position and rest upon its base. Now it is standing upon its apex, and necessarily it is bound to topple over and fall. So we will have scotched the Kaiser; we will have reestablished democracy, the rule of the people, from the base up, when we have won this war, and then, in that event, if Germany conforms she will be admitted to this council of nations. That is the President's program. It is a just program. The only thing in the world is justice. The strong can take everything by force. They could do it in our community were there not courts. Why should not there be an international court to curb the greed and avarice of the strong? Why should not we have ideas—American, French, and English—forcibly antagonistic and overwhelming to the Kaiser's idea that only the strong are entitled to anything and only those who are the strong are entitled to survive? That is a damnable doctrine. Furthermore, it would eliminate most of us. I could not stand up for a minute beside some of those giants of physical strength. I have no respect for their physical strength. They must have good reason for their arguments. You will reason and argue a thing out in a court on lines of justice with even your most hated competitor, but what you want is justice. You do not want to be overthrown either by physical force or by corruption. In this country I think we have driven corruption out of public life. I think we are singularly free in this generation from any accusation of that kind, and that a man has a fair chance now in the courts, and he certainly should not be the victim of force—and is not. Nor should he be held up. And by the expansion of that idea we will find something approaching the millennium, but a practical Utopia, something well within our reach. Human society was once one of force in the days of the cave man. It is now orderly and organized. The very same thing can be done by willing nations, and, as Lord Robert Cecil says, this war has brought 24 of the great nations of the world together for the purpose of organizing to protect themselves against the wild attacks of madmen among the nations who, as soon as they show their poisonous purpose, shall be impounded and destroyed. [Applause.]

I am glad to say in closing that the world's liberty is safe, because liberty has been so thoroughly ingrained in the Anglo-Saxon, American, French, Italian, and Celt peoples that it can not be eradicated.

I love to quote Edward Dickinson Baker, who, after he went from California and Oregon to the Senate, said, at a time when people were scoffing at freedom during the Civil War:

I rejoice in her power. I march beneath her banner. I glory in her strength. I have seen her stricken down on a hundred chosen fields of battle. I have seen her friends flee from her. I have seen her enemies gather around her and I have seen them bind her to the stake. I have seen them gather her ashes that they might scatter them farther yet, but when they turned to exult I have seen her meet them again face to face, full clad in complete steel and brandishing in her strong right arm a sword red with insufferable light.

She is indestructible. And that is why I believe and you believe that there is no danger in this world to-day from an autocrat, however strong, to eliminate American ideas and French and English ideas. It can not be done. He may temporarily gain his point; he may temporarily create the impression of victory; friends may flee away, as described by Baker, and the cause appear to be abandoned; but inevitably, because it is born in the human breast, the light of independence and liberty will flare up again and again until it ultimately triumphs. So the autocrat on his throne is not safe, no matter how he may be panoplied in power against that spirit of liberty. And that is just what the Kaiser is fighting. We have seen him drive back the gallant French at the Marne, but we have seen old Joffre, emulating Charles Martel and Theodorick, saving civilization at the Marne by holding fast against the incursions of the Hun. And now we see the great Foch, with Pershing by his side, driving the Huns far beyond. [Applause.]

And, suffering France, thou art not conquered. "Beauty's ensign yet is crimson in thy lips and in thy cheeks, and death's pale flag is not advanced there!"

Here is the tricolor, the same colors as our own. We are as one people, our flag is one, the Red, White, and Blue.

Then—

Here's to the red of it,
Precious blood shed for it;
Here's to the white of it,
All know the right of it;
Here's to the blue of it,
Heavenly hue of it;
Here's to the whole of it,
Stars, stripes, and pole of it;
Here's to the soul of it,
Red, white, and blue.

[Great applause.]

GIFT OF THE GOVERNMENT OF FRANCE (S. DOC. NO. 276).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the President of the United States, together with a letter from the ambassador from France to the United States, which will be read.

The Secretary read as follows:

To the Senate and House of Representatives:

In compliance with the request of the French Ambassador I transmit herewith, for the information of the Congress, a letter from the ambassador expressing the desire of his Government to offer to each of the two Houses of Congress a vase from the National Manufacture of Sevres.

WOODROW WILSON.

THE WHITE HOUSE, 11 September, 1918.

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE

AUX ÉTATS-UNIS,

Washington, le September 9, 1918.

DEAR MR. PRESIDENT: Anxious to show their profound appreciation of the way in which Congress received the Viviani-Joffre mission when it came to express France's sisterly gratitude for America's timely help, my Government is desirous, if so allowed, to offer to each of the two Houses a vase from our National Manufacture of Sevres.

Our hope is that those products of French craftsmanship may be kindly accepted and preserved as a token of what France feels toward the representatives of the American States and citizens, whose manly resolutions, suggested by yourself, each of them meeting the country's warmest approval, will have had such a decisive influence on the severest conflict, and the greatest by its consequences, the world has ever known.

I should be very much obliged to you if you were so good as to inform the Senate and the House of Representatives of the intention of the Government of the French Republic and of its motives.

I have the honor to be, dear Mr. President,

Very respectfully and sincerely, yours,

JUSSERAND.

The VICE PRESIDENT. The message and accompanying letter will be referred to the Committee on Foreign Relations and printed.

REPORT OF FEDERAL TRADE COMMISSION.

Mr. BORAH. Mr. President, I desire to ask the Joint Committee on Printing what has been done, if anything, with reference to the printing of the report of the Federal Trade Commission which was submitted some weeks ago.

Mr. SMOOT. The chairman of the Joint Committee on Printing is not in the Chamber, but I will say to the Senator from Idaho that up to the present time there has not been a meeting of the joint committee.

Mr. BORAH. There are a great many calls for this report and I am very anxious to have some action taken with regard to printing it. We have put into the RECORD replies to the report and criticisms on the report and there is no report printed. It is a matter that I think ought to have the attention of the committee. Does the Senator contemplate a meeting of the committee very soon?

Mr. SMOOT. I will say to the Senator there should be a meeting about Friday or Saturday of this week, and I think there will be one held.

Mr. BORAH. I presume it will be taken up at that time.

Mr. SMOOT. Yes; at the first meeting of the committee.

Mr. KENYON. I should like to ask the Senator from Idaho if the report was not printed in the RECORD. I understood the Senator from Utah to say that it had been printed in the RECORD.

Mr. BORAH. I have never seen it in the RECORD, and I do not think it has been printed in the RECORD. The Senator from Utah is in error, I think, with regard to that.

Mr. SMOOT. It was printed in the House proceedings.

The VICE PRESIDENT. The Federal Trade Commission report was printed in the RECORD.

Mr. SMOOT. I think, as I said before, it was printed in the RECORD in the House proceedings.

The VICE PRESIDENT. It is in the RECORD.

Mr. BORAH. The report which was made to the President?

Mr. SMOOT. I think the same report which the Senator from Idaho offered to have printed as a public document was printed in the proceedings of the House.

The VICE PRESIDENT. The report contains an account of the salaries paid certain directors of the American Metals Co.

Mr. NORRIS. No; that is not the report.

Mr. BORAH. That is not the report. The report about which I am making inquiry was made to the President. The report which came in in response to the resolution offered by myself was printed in the RECORD.

The VICE PRESIDENT. That is the one the Chair referred to.

Mr. BORAH. The report in response to the President's request, I am informed, has not been printed in the RECORD. I have never seen it.

CREDITS AND ADVANCES TO INDUSTRIES.

Mr. JONES of New Mexico. Mr. President, I should like to secure unanimous consent for the present consideration of Senate bill 4855, which passed the Senate as an amendment to the Agricultural bill, but apparently the prospects are that some time will probably elapse before the Agricultural bill becomes a law. The situation which this bill was designed to meet is of very urgent character, and I should, therefore, like to get the Senate to pass the bill, so that it may travel along as rapidly as possible and perhaps become a law before the Agricultural bill may become a law. I see no objection to that course being pursued. I was authorized by the Finance Committee to report the bill favorably, and I hope there will be no objection to its immediate consideration.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4855) to amend an act approved April 5, 1918, entitled "An act to provide further for the national security and defense, and for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," which had been reported from the Committee on Finance with an amendment, on page 2, line 7, after the words "live stock," to strike out "having, in either case, a maturity of not exceeding 12 months," so as to make the bill read:

Be it enacted, etc., That the proviso to paragraph 2, section 7, of the act approved April 5, 1918, entitled "An act to provide further for the national security and defense, and for the purpose of assisting in the prosecution of the war to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," be, and is hereby, amended to read as follows:

"Provided, That every such advance shall be secured in the manner described in the preceding part of this section, and (except in the case of an advance secured by a loan for agricultural purposes or a loan based on live stock) in addition thereto by collateral security, to be furnished by the bank, banker, or trust company of such character as shall be prescribed by the board of directors of a value at the time of such advance (as estimated and determined by the board of directors of the corporation), equal to at least 83 per cent of the amount advanced by the corporation. The corporation shall retain power to require additional security at any time."

The amendment was agreed to.

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

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

EXECUTIVE SESSION.

The VICE PRESIDENT. Morning business is closed.

Mr. MARTIN. Mr. President, I move that the Senate proceed to the consideration of executive business. I will explain that in the case of the confirmation of certain young naval officers who are about to sail from this country some errors or inaccuracies occurred, and it is very desirable that those errors should be corrected, in order that those officers may receive their commissions.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

MINERAL PRODUCTS.

The VICE PRESIDENT. Morning business having been concluded, the calendar, under Rule VIII, is in order.

Mr. SMOOT. I know that the Senator from Nevada [Mr. HENDERSON] desires that the Senate shall begin the consideration of House bill 11259. He told me at the close of the morning business, before the executive session, that he intended to call up that bill.

Mr. HENDERSON. I move that the bill, which is the unfinished business, be laid before the Senate and proceeded with.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11259) to provide further for the national security and defense by en-

couraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported or of which there is or may be an inadequate supply.

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

Mr. FALL. Mr. President, I have several amendments which I desire to suggest to the bill under consideration, as to which I have conferred with the chairman of the committee having the bill in charge, and which, I think, will not be objected to, as they are simply intended to perfect and, as I understand, to make clear and to carry out the intention of the committee reporting the bill. The first amendment which I desire to offer, and which I send to the desk, is to section 2.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada to the committee amendment will be stated.

The SECRETARY. In section 2, page 21, line 16, before the word "enter" and after the word "to," it is proposed to insert the words "purchase such necessities and to," so that, if amended, it will read:

Sec. 2. That the President is authorized from time to time to purchase such necessities and to enter into, to accept, to transfer, and to assign—

And so forth.

Mr. FALL. Mr. President, the object of that amendment is simply to allow the President the power to purchase. Under the provision as it stands the President simply has power to enter into contracts for purchase.

Mr. HENDERSON. I see no objection to the amendment to the amendment. It seems to me that the amendment is very appropriate and well drawn.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico what is the necessity of this proposed amendment? As I understand, the various war activities or other departments of the Government which may require any of the necessities mentioned in the bill for governmental purposes would now be authorized to purchase them. Does the Senator from New Mexico desire to give additional powers and to permit the executive departments to engage in the buying and selling of any of the necessities herein provided for?

Mr. FALL. Mr. President, possibly I should have gone further in my opening remarks and explained my personal position more fully. I do object, under any ordinary circumstances whatsoever, to the Government of the United States entering into private business and buying and selling anything whatsoever. Of course the Government has the power and has the right through its proper officers to purchase any governmental necessities, anything which is necessary for the support of the Army or the Navy or any of the forces of the United States. Under any ordinary circumstances, I would as strenuously as any other Member of the Senate fight any proposition allowing the Government of the United States to go into the general mercantile and trading business, which is exactly what this bill does along certain lines. However, the purpose of the bill is good; there is no question about that, and it is presented here as a war necessity. It may be absolutely necessary that the Government should not only have the right to purchase for itself the minerals actually needed, but, to assist the Government in that purpose, that it should have the right to purchase the ores or the minerals, and then to allocate them to different private individuals by sale. It is necessary for the Government to have the power to dispose of these minerals and substances so purchased by sale to private individuals. Adopting that as the line suggested by the committee, and upon which they ask the Senate to legislate, I have simply devoted myself to an attempt to so word the bill by a few changes as to carry out and restrict that purpose. It is almost impossible for me to explain the proposition which I have in mind fully until all the various amendments I have in mind have been offered.

I will call the attention of the Senator to section 2 of the bill. If it is amended by the Senate, as I propose to amend it, it will then read:

Sec. 2. That the President is authorized from time to time to purchase such necessities and to enter into, to accept, to transfer, and to assign contracts for the purchase of same, to provide storage facilities for and store the same, to provide or improve transportation facilities, and to use, distribute, or allocate said necessities, or to sell the same at reasonable prices above the purchase or production cost thereof.

I shall offer that amendment following the word "prices," so that the Government will be restricted in offering for sale any such mineral or mineral products to a sum above the cost, or, in other words—

Mr. JONES of New Mexico rose.

Mr. FALL. I will yield in just a moment, if my colleague will allow me to explain the amendment. So that the Government would not be in a position where, through its taxing

power, it could waive all costs and sell mineral products at a lower price than it would be possible for the individual engaged in the production to sell the same at. Otherwise, of course, without limitation of this kind, there would be an instrument placed in the hands of the Government through which the Government could monopolize the purchase or sale of every ounce of minerals mentioned in this bill. I now yield to my colleague.

Mr. JONES of New Mexico. Mr. President, I wanted to suggest an amendment to the amendment just offered by my colleague—where he has "above the purchase or production cost thereof," to insert the word "average"—for this reason:

It is contemplated that as to certain of these metals, and perhaps a great many of them, the Government will buy at different prices, depending upon the cost of transportation and other factors; and it was in the contemplation of some of us who were connected with the framing of the bill that the Government should have the power to buy at different prices, and then sell to the industries using the metals at the average cost or at an average reasonable cost. I think that meets with the idea which my colleague has suggested, but would give the latitude which I think ought to be permitted.

Mr. FALL. I think possibly we might get together, then, by striking out the word "above," which is in the amendment which I have not yet offered, but which I intend to offer, and saying "at not less than the purchase or production cost thereof." I do not think my object, at any rate, would be achieved by allowing the Government to purchase manganese at so much per ton and radium at so much per gram and then taking the cost price of the minerals between manganese upon the one extreme and radium upon the other to average the price, because that would put all the producers of clay and of every other material out of business.

Mr. JONES of New Mexico. I am quite certain we are both thinking along the same lines and want to accomplish the same purpose.

Mr. FALL. I think so. The first amendment has not yet been adopted, as I understand.

The VICE PRESIDENT. No; the question is on agreeing to the amendment.

Mr. KING. Mr. President, I desire to call the attention of the senior and the junior Senators from New Mexico to this proposition to see whether or not we are prepared to accept what I regard as a very radical departure from the ordinary methods, not only of doing business by private individuals, but the ordinary methods of doing business on the part of the Government.

As I understand the suggestion of the junior Senator from New Mexico, not only made this morning but very strikingly presented when this bill was under consideration a day or two ago, the idea is to enable the Government to pay to one producer of manganese or any article mentioned in this bill a given price and to another producer of the same article an entirely different price, and then the amendment of the Senator will be to average, in the sale of the article, the high and the low price paid to those two individuals. Now, do the Senators think—and I ask this question of both the Senators from New Mexico—that that is the only way in which we can practically handle the proposition, namely, to authorize some instrumentality of the Government to pay different prices to different individuals for the same product and then to put all of those prices, so to speak, into one class and then strike an average and sell upon that average?

It seems to me that is a very dangerous plan to pursue in handling the business of the country. It permits the Government to pay an enormous price to A because his business is unprofitable or because he labors under disadvantages in producing the article and to pay only a reasonable price to B. A might get \$150,000 a gram for radium because it was difficult for him to produce it; B might get only \$10,000 a gram because he is geographically so situated as to be able to produce it very cheaply.

Has the Senator thought of the problem that is presented in handling the public business in this way?

Mr. FALL. I had offered exactly that objection in answer to the suggestion of my colleague, who is assisting in placing the bill before the Senate, and for that reason I stated before offering it, before the first amendment was disposed of, that I should offer an amendment, to follow the word "prices," in line 21, that the Government should not dispose of any of these products so bought by it for anything less, at any rate, than the cost price to the Government of the product, which would prevent the Government absolutely monopolizing the product by averaging the prices and doing away with the individual barter and trade in like products.

I have finally forced myself into the condition of mind where I will agree that if it is necessary for the Government to have these extreme powers of a trading company, as a war measure, I will vote for it; but I do not want to destroy all individual initiative or competition. I think, if I may be allowed to express my views a little beyond the present measure, that this Government would be in a great deal better business if it were offering inducements for the initiative of the individual, rather than through insidious methods, continually insisting upon going into competition with the individual itself, and necessarily taking over, sooner or later, all business in the United States.

Mr. KELLOGG. Mr. President—

Mr. FALL. I yield to the Senator.

Mr. KELLOGG. Does the Senator know whether the committee has gone over with the heads of the departments or Cabinet officials these various metals and products, so as to know whether it is necessary to have this power to produce these identical things; or is this a catch-all, put in here to take in everything they can think of?

For instance, I notice here sodium and potassium. We have already provided by legislation for them. How many more things are there here that we have provided for, or that are not necessary?

Mr. FALL. Mr. President, without assuming to answer for the committee, I think I can say that they have gone over the list of these minerals with the heads of the departments; and if the Senator will examine the House bill he will discover that the Senate committee has excluded from the list a very large number of minerals which were inserted in the House bill. I want to say that in my judgment the Senate committee has not only worked very faithfully, but has finally arrived at a compromise such as I can force myself to accept, when I never could have supported anything along the lines of the original House bill at all. I think the committee has done its best; but it is impossible for individual Senators to understand what work they have done and what they are willing to agree to do now in strengthening their work, unless we take up the entire bill and see what it means. If it is necessary, I will go through it first, without offering the amendments which I propose to offer, with the permission of the members of the committee, and undertake to explain it as I go along.

First, Mr. President, the purpose of the bill is to allow the Government of the United States to trade in the minerals mentioned here. It is said that it is necessary for the Government of the United States to have that power of purchase and sale and contract, so that they may make a contract, for instance, two years ahead, justifying the producer of these minerals or the miner or the prospector producing the ores in devoting his time to the production, with the knowledge that he will receive a remunerative price for the product, and that it will not be subject to monopoly at the hands of private individuals, through which, after expending great time and large amounts of money, he might find himself in the situation that has resulted in the case of the molybdenum production, for instance, and in the production of one or two other minerals. I refer to cases where, stimulated by a great price, miners have invested thousands of dollars not only in opening up the ore bodies and producing the minerals themselves, but also in erecting reduction plants for reducing the minerals, for concentrating, or for reduction in other ways, and then have found that the price has slumped 100 or 200 or 300 per cent, and that it was impossible for them to pursue the industry. There are wrecks of such mining enterprises now in the States of Arizona, New Mexico, and other of the mining States of the Rocky Mountain region.

These are the facts: The committee has undoubtedly sought to avoid exactly that result as it is now and may be through the monopolization of the production by a few individuals, by allowing the Government to offer inducements to these miners and prospectors, or the smelter or reduction men, or capitalists, who must put their money in before the minerals can be produced, allowing them a price which will justify them in continuing their production and reduction of the minerals. Now, this is the object of the bill. It has been thought best by the committee to give the Government trading power to enable them to do that, because otherwise they would not have the power to allocate to the different individual enterprises in this country the proportionate amount, for instance, of manganese or of other minerals which would be necessary for the continuous operation of such private enterprises. In other words, the Government in taking over the mineral will see that through no individual monopoly shall one firm or corporation or aggregation of firms or corporations secure the advantage, and put out of business the others. Under ordinary circumstances, I am as bitterly opposed to the general principle of the bill as

any Member of the Senate could be—that is, that the Government should become an ordinary trading enterprise.

Mr. KELLOGG. Mr. President, if that is the object of the bill, of course I shall not object; but take manganese: I am informed—I do not know whether the information is correct or not—that since the war broke out, and the necessity has arisen, we are now producing enough manganese in this country, and that it will not be necessary to import much more, if any more. As I say, I do not know whether that is correct or not.

Mr. FALL. I do not think that is entirely correct. The production of manganese has very largely increased in this country; there is no question of that; but we are still dependent to some extent on Brazilian manganese, and the very fact that a delegation from a certain other South American country is here now, engaged in an attempt to make a commercial treaty with this country, speaks for itself. If the Senator will look into the matter, I think he will find that the manganese mines of Uruguay are being considered at this time. I do not think we have yet arrived at the point where we produce anything like enough manganese in this country.

Mr. JONES of New Mexico. Mr. President, the evidence before the committee is that we have not yet nearly reached the point where we produce all the manganese that we require, but that the supply is increasing quite rapidly; and it is hoped that in a short time we may be producing all that we require. As I say, however, that point has not yet been reached, by considerable; and one of the very important purposes of this bill is to assure an ample supply of manganese.

Mr. FALL. Mr. President, to reiterate what I have said, the purpose of section 2 of the bill is to allow the Government of the United States not only to go into the open market and purchase but to allocate and sell the goods purchased to individuals, and also to allow the Government to enter into long-time contracts which will stimulate such production and guarantee the producer against loss. This is the purpose, generally speaking, of section 2; and I have simply sought to amend it in words, to make it—as I thought, and as I think, the committee agree—convey the meaning of the committee a little more clearly. Therefore the next amendment which I should offer would be to strike out the word "necessaries," on line 17, page 21, and insert the words "the same," and then to follow that by inserting, after the word "prices" and before the colon, on line 21, the words "not less than the purchase or production cost thereof." I shall offer those amendments at the proper time.

Section 3 is the section which undoubtedly caused the committee more thought than any other portion of the bill, and one which gave me more trouble than any other in my consideration of it, because, in my judgment, it is the most important part of the bill. Section 3 was intended to give the President authority to requisition and take over any of these minerals, and then to take over any lands or deposits of such minerals which were idle, and then to take over any plants of any kind or character for the reduction of such ores and the production of such minerals as were not being operated or were being only partially operated, so that he might commandeer and take over the plants, take over the idle mines and deposits, and might then also requisition the minerals, at a price to be fixed by him, when he saw fit, and if it were necessary.

I shall offer amendments to section 3 as follows:

On page 22 to strike out, after the word "necessaries," down to and including the word "same" on line 17—in other words, to strike out "to provide storage facilities for and to store the same"—because exactly that power is given a little farther along in the same section. The words "and to use, distribute, allocate, or sell the same" would be left in; likewise the words "and also to requisition and take over any undeveloped." After the word "undeveloped" insert the word "or," so as to read "undeveloped or insufficiently developed or operated." Strike out the word "or," in line 20, the first word in the line, so as to read "insufficiently developed or operated idle land." Strike out the word "or" after "land" and insert a comma, and insert the word "or" between the words "deposit" and "mine," so as to read "deposit or mine." Following the word "mine" insert the words "and any idle or partially operated," so that it would read "deposit or mine, and any idle or partially operated smelter, or plant, or part thereof, producing or, in his judgment, capable of producing said necessities, and to develop and operate." Strike out the words "the same" and insert the words "such mine or deposit and such smelter or plant." Then the committee amendment proceeds "either through the agencies hereinafter mentioned, or under lease or royalty agreement, or in any other manner, and to store, use, distribute, allocate, or

sell the products thereof." After the word "thereof," line 1, page 23, is the principal amendment, which I think should be adopted, in the nature of a proviso, and which I shall offer:

Provided, That no ores or metals, the principal money value of which consists in metals or minerals other than those specifically enumerated in section 1 hereof, shall be subject to requisition under the provisions of this act.

That practically completes the suggestions which I would have to offer to the bill, with the exception—

Mr. WALSH. Mr. President—

Mr. FALL. If the Senator will allow me to make one further statement, I will yield. With the exception that unless there should be stricken from the next paragraph of section 3 all power of any kind or character to regulate wages, there should be adopted certain words which would make it plain and clear as to what wages might be regulated by the Government. Therefore I have prepared an amendment after the word "thereof," on line 25, page 23, to insert the words "so requisitioned or taken over," striking out "articles or substances" and inserting the word "necessaries," so that it would apply generally to articles or substances used directly. It would read:

Of necessities used, manufactured, produced, or mined therein, and the employment, control, and compensation of employees.

After the word "employees" and before the period I would insert the words "therein or thereupon," so that it would be perfectly clear that the Government would not have the power to regulate the wages of employees in these mining industries generally, but only the power, which, of course, would necessarily follow even without this provision, to regulate the wages in the commandeered or requisitioned plants or mines. I now yield to the Senator from Montana. I will yield the floor, simply offering the amendments.

Mr. WALSH. I was about to suggest to the Senator that the expression "partially operate" a smelter would not be a very definite term.

Mr. FALL. No.

Mr. WALSH. I rather imagine the Senator did not intend to authorize the commandeering of a smelter that was in operation but not operated to its full capacity.

Mr. FALL. I was simply attempting, I may say to the Senator, to make a little more clear the language of the bill, and my purpose was to change it just as little as possible. However, smelters, as the Senator knows, as well as concentration and other reduction plants, are often built in units. Now, suppose the private operator is only operating one unit, for instance, or a half dozen units of a concentrating plant, and many of these ores are treated by concentration. Suppose the President finds that there is a capacity for the treatment of a thousand tons of ore per day of antimony or of other minerals, and that the unit in use by the owners will only treat 100 tons, should he stand and allow the 900 tons to go untreated or be compelled to provide through the appropriation here for the construction of a smelter or a concentrating plant with a capacity to treat the 900 tons per day, when the plant is there lying idle or only partially operated?

Mr. WALSH. I can suggest to the Senator another condition. Not entirely in separate units, not capable of utilization as a distinct entity, a man might be operating a dozen furnaces. The owner for his own purpose would be operating only nine of them, or he might be operating ten or allow one to lie idle. The bill with the amendment suggested by the Senator would authorize the Government to take them over.

Mr. FALL. Of course, it is almost impossible to word a general law so that it will cover and specifically care for every particular case. I assume that Mr. Baruch or the Bureau of Mines or whoever administers the law would not take over nine-tenths of the unit because one-tenth was lying idle, but would simply say to the operators, "We will furnish you with the ore, if you have it not; we will furnish you by priority orders with the coke necessary for you to operate, and if you do not accept this proposition then we will be compelled to take over the other units and operate them." It would conduce to economy, and possibly that may be the economy referred to by the Secretary of the Interior in the letter upon the table.

Mr. KING. Mr. President—

Mr. FALL. I yield to the Senator.

Mr. KING. I wish to ask the Senator from Montana, if the Senator from New Mexico will pardon me, if the construction which he places upon the amendment suggested by the Senator from New Mexico would not be applicable to the bill as it is drawn; that is to say, under the bill would not the President or the instrumentality selected for the exigencies of this act when it shall be enacted into law have the authority to requisition a smelter that was not in operation? I was wondering, if

the Senator was offering a criticism upon the amendment suggested by the Senator from New Mexico because it permitted the requisition of a smelter that was not in operation, whether the same criticism would not apply to the bill itself.

Mr. WALSH. I dare say the words "insufficiently operated" would cover it.

Mr. FALL. Those words would be stricken out if my amendment were adopted. Any "idle or partially operated smelter" would be the wording of the section if my amendment were adopted.

Mr. WALSH. Those are qualifying words.

Mr. FALL. The "insufficiently operated" would only apply to mineral deposits and the "partially operated" would apply to smelters.

I proceed in order then, having made this explanation to offer the amendments. The first amendment I believe is pending.

Mr. SHAFROTH. What is that amendment?

The VICE PRESIDENT. It will be stated.

The SECRETARY. In section 2, page 21, line 16, before the word "enter" and after the word "to" insert "purchase such necessities and to."

The amendment to the amendment was agreed to.

Mr. FALL. In line 17 I move to strike out the word "necessaries" and insert in lieu thereof the word "same."

The SECRETARY. In line 17, page 21, strike out the word "necessaries" and insert the word "same," so that if amended it will read:

That the President is authorized from time to time to purchase such necessities and to enter into, to accept, to transfer, and to assign contracts for the production or purchase of same.

Mr. FALL. That is simply to make it comply with the amendment already adopted.

The amendment to the amendment was agreed to.

Mr. FALL. After the word "prices," and before the colon, in line 21, I move to insert the words "at not less than the purchase cost or production cost thereof."

Mr. JONES of New Mexico. I do not suppose there will be any immediate reason why that could not be done. I may, however, suggest that at the conclusion of the war the Government may have on hand some of these minerals which can not then be sold for such prices. Might we not leave it as it is worded in the bill and say "reasonable prices"?

Mr. FALL. I could not agree, as far as I am concerned, to leave it "reasonable prices," because that puts the Government in precisely—

Mr. JONES of New Mexico. I am willing to accept the amendment presented by my colleague. We can take care of the after-war situation when it comes.

Mr. FALL. Congress can see to that.

Mr. JONES of New Mexico. If it thinks best to do so.

Mr. FALL. I very much fear the result unless you do provide that the Government shall not have, through its power to raise funds, the power to produce minerals to its advantage in the market and put every individual producer out of business.

Mr. JONES of New Mexico. The purpose of my colleague is highly commendable, and I agree to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 21, line 21, after the words "reasonable prices" insert the words "at not less than the purchase cost or production cost thereof."

The amendment to the amendment was agreed to.

Mr. FALL. In section 3, page 22, after the word "necessaries," in line 16, I move to strike out the comma and the words "to provide storage facilities for and to store the same."

Mr. SHAFROTH. Mr. President—

Mr. FALL. It is there in two or three places, I will say to the Senator from Colorado.

Mr. SHAFROTH. Very well.

The amendment to the amendment was agreed to.

Mr. FALL. In line 19, after the word "undeveloped," I move to strike out the comma and insert the word "or."

The amendment to the amendment was agreed to.

Mr. FALL. I move to strike out the first word "or," in line 20.

The amendment to the amendment was agreed to.

Mr. FALL. I move to strike out the word "or" between the word "land" and the word "deposit" in line 20.

The amendment to the amendment was agreed to.

Mr. FALL. After the word "deposit" I move to insert the word "or," and after the word "mine" to insert the words "and any idle or partially operated."

The amendment to the amendment was agreed to.

Mr. FALL. I wanted to suggest to the committee that where they have used the words "smelter or plant" we ordinarily in mining terms use the term "or other reduction plant," but I do not offer that as an amendment. It is simply a suggestion to the committee in case the committee thinks best to make the amendment.

In lines 22 and 23 I move to strike out the words "the same," and in lieu of such words to insert: "such mine or deposit and such smelter or plant."

Mr. SHAFROTH. I should like to have the Secretary report that amendment.

The SECRETARY. On page 22, beginning with the word "the," at the end of line 22, strike out "the same" and insert "such mine or deposit and such smelter or plant."

Mr. FALL. I should like to modify that by striking out the word "and" after the word "deposit," and before the word "such" and insert "or," so as to read:

And to develop and operate such mine or deposit or such smelter or plant, either through the agencies hereinafter mentioned, or under lease or royalty agreement.

The amendment to the amendment was agreed to.

Mr. HENDERSON. I understood the Senator from New Mexico had an amendment to offer on page 22, line 22, after the word "necessaries" by inserting "or either of them."

Mr. FALL. I thank the Senator for reminding me of that. After the word "necessaries," in line 22, I move to insert the words "or either of them."

The amendment to the amendment was agreed to.

Mr. FALL. The next amendment is, after the word "thereof," in line 1, page 23, to insert a proviso.

The SECRETARY. On page 23, line 1, after the word "thereof," insert the following proviso:

Provided, That no ores or metals the principal money value of which consists in metals or minerals other than those specifically enumerated in section 1 hereof shall be subject to requisition under the provisions of this act.

The amendment to the amendment was agreed to.

Mr. FALL. I think the chairman of the committee having in charge the bill has some amendments to the next paragraph, on the same page or on the following page. I will only suggest at the present moment that on page 24, line 1, the words "articles or substances" be stricken out and the word "necessaries" be inserted in lieu thereof.

Mr. SHAFROTH. Before that is reached I wish to offer an amendment.

Mr. FALL. I have another amendment.

Mr. SHAFROTH. It is right at this point that the amendment I desire to offer comes in.

Mr. FALL. I understand, but I thought the chairman had a general amendment to it. If there are to be any other amendments to be offered now, I have another amendment that I will offer, coming before this present amendment.

On page 23, after the word "thereof," in line 25, I move to insert the words "so requisitioned or taken over and."

The amendment to the amendment was agreed to.

Mr. FALL. The words "articles and substances" should be stricken out and the word "necessaries" inserted in lieu thereof, because it is evidently the intention of the committee to confine the materials to those mentioned specifically in the bill, which are covered by the generic term "necessaries."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 24, line 1, strike out the words "articles or substances" and in lieu insert "necessaries."

The amendment to the amendment was agreed to.

Mr. FALL. On page 24, after the word "employees," in line 3, and before the period, I move to insert the words "therein or thereupon."

The amendment to the amendment was agreed to.

Mr. FALL. Mr. President, that concludes the amendments I desire to offer.

Mr. SHAFROTH. Mr. President, I desire to offer an amendment, to be inserted on page 23, line 1. I desire that it should be placed after the word "thereof"; but if the proviso of the Senator from New Mexico has been inserted, it would come after that. The amendment which I offer reads:

There shall be established such headquarters and offices for the administrative force authorized herein at such point west of the Missouri River as he may deem proper.

That is, the President, as it refers to the power of the President.

I want to say, Mr. President, that this will not only relieve, to some extent, at least, the congestion which exists in Washington by having so many employees located here—and, as I understand, there are 500 arriving every day—but the principal object in proposing the amendment is to have these officers in

the part of the country where the miners may see them and talk with them, and not have to get on a train and travel two or three thousand miles in order to contract and agree with them.

Mr. FALL. Mr. President, will the Senator from Colorado yield for a moment?

Mr. SHAFROTH. Yes.

Mr. FALL. Does not the Senator think it would be best to have his proposed amendment attached to section 5, which is the administrative section of the bill?

Mr. SHAFROTH. I thought the amendment should be inserted at the point where the authority is proposed to be conferred; but I have no objection to having the amendment placed at any point where it is appropriate—at the end of section 5, if necessary, and if that is the proper place for it.

Mr. FALL. That is the administrative proviso, and the Senator's amendment might come as an addition to that section.

Mr. SHAFROTH. Very well. I move that the amendment be inserted at the end of line 6, on page 25.

Mr. JONES of New Mexico. I wish the Senator would again state his amendment.

Mr. SHAFROTH. The amendment I propose is to insert:

There shall be established such headquarters and offices for the administrative force authorized herein at such point west of the Missouri River as he may deem proper.

That is, as the President may deem proper.

Mr. President, I want to explain that amendment a little further before proceeding on another line. In the first place, the operation of this bill is going to be confined to the Rocky Mountain region; nine-tenths, yes, probably ninety-nine one-hundredths of that which is to be done in the way of execution of contracts, in the examination of mines, the taking over of mines and smelters, is going to have its base of operation in the Rocky Mountain Region, for there is located really the great mineral wealth of our country; that is where these minerals are found. A man of ordinary means may have a prospect which gives promise of the production of some of the metals; he may have a partially developed mine or he may have closed down his mine because of the fact that prices were not such as would justify him to work it. All of these things mean that those men are poor, that they can not afford to get on the train, come down to Washington, and probably spend weeks and weeks for the purpose of getting an agreement with the Government as to the taking over of their mines. For that reason it seems to me that the President ought to be authorized to designate some central place in the mining region, or, so far as that is concerned, several central places, because I think that there ought to be some way of administering this law economically. The only way it can be economically administered would be by having a central place, and then such subsidiary places as the department might deem best.

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

Mr. SHAFROTH. I yield to the Senator from Arkansas.

Mr. KIRBY. Would it not be better to have a branch of the service in each of the mining States?

Mr. SHAFROTH. I do not know that that is necessary; but I am perfectly willing that that may be done if found to be needed.

Mr. JONES of New Mexico. Mr. President, I am in hearty sympathy with what the Senator from Colorado suggests, if it should be necessary; but I am inclined to believe that what is intended to be accomplished by the amendment proposed by the Senator is now provided for in the bill. If the Senator will look at the language in lines 5 and 6, on page 25, he will find that it reads: "Both in the District of Columbia and elsewhere, as the President may deem essential."

Mr. SHAFROTH. I know, Mr. President, but we are continually lacking in the proper amount of activities in our western country, while Washington is overcrowded; so I think it would be better to adopt this amendment. It is not imperative upon the part of the Government or upon the part of the President to do this, but it would be a suggestion that Congress thought it was wise that some at least of the administrative offices should be located in the section of country where the miners are located, so that they could personally communicate and do business with the officers of the Government.

I have not any doubt that it would conduce to expedition; I have no doubt it would work to the benefit of all concerned. Take an ordinary miner, who probably has not a hundred dollars, but who has a prospect; he may have a mine which may develop into a very valuable property; he wants to present its merits to the Government, and the only means that he has of doing so is to sit down and write to the authorities. What can such a man describe in writing? Of course, that might work properly if the authorities took proper interest in the matter, but the chances are that there will be thousands of such cases. The

manner in which a man talks to a Government employee, the manner in which he can tell him the facts of the case, is not the same as putting it in writing. All men are not gifted in the art of writing.

Mr. President, it seems to me that we ought to have the headquarters close to the section of country where the mines are to be taken over or aided or assisted by the Government, or where contracts are to be made with relation to the production of the mines. I think this clause should be inserted at the point where the language reads: "Both in the District of Columbia and elsewhere, as the President may deem essential."

It would be a suggestion to the President, at least, that would expedite the operation and secure more efficient working of the bill.

Mr. KING. Mr. President, the Committee on Mines and Mining has, in my opinion, performed a difficult task in an eminently satisfactory manner and is entitled to the thanks of the Senate and the country. There was referred to it a bill which had passed the House which was devoid of any redeeming features. Indeed, the measure called for the condemnation of the people. Instead of being a bill for the "national security and defense and to encourage the production and the conservation of ores, metals, and minerals," which it pretended to be, it was a measure which weakened the national security and obstructed the national defense, and discouraged production of ores, metals, and minerals, and also in its operations would have prevented the conservation of the same.

There is a class of people who entertain the view that the National Government must enter into all private concerns and control the domestic and business lives and activities of the people. This view finds expression in measures which occasionally find their way into both branches of Congress.

For a number of years there has been a propaganda carried on in the United States having for its object the withdrawal of all public mineral lands from entry by private persons. The scheme contemplated that the Government should either directly engage in mining operations, and, of course, in the smelting and reduction of the ores, or that it should establish a system of leasing under which the mineral lands should be worked.

The folly of any attempt by the Government to engage in the mining business is so obvious that it is incomprehensible how any rational person could entertain a view of that character. The experience of our Government, as well as other nations that have engaged in the leasing of mineral lands, ought to have been so illuminating as to successfully combat the efforts of the proponents of the leasing system. I regret to say that there have been and still are persons in official positions who have been and still are enthusiastic advocates of this obnoxious form of paternalism. Within a very recent period a very strong effort was made by the Interior Department to embark the Government upon the plan of working mining claims containing radium ores. The plan also contemplated the erection by the Government of the necessary works and plants for the reduction of the ores and the manufacture of the finished product. Certainly the evidence brought to our attention, the governmental inefficiency in business matters and in the conduct of the business affairs committed to its care, ought to lead the people, and certainly public officials, to a very careful scrutiny of measures which have for their object the embarkation of the Government upon the sea which has been properly and justly recognized as belonging to private endeavor. The Government has a broad field for the exercise of its legitimate functions. Our Nation is combating a system which has been developed under a school of thought that recognized the Government as omnipotent, in all things, and which did not differentiate between the rights of the people and the powers and functions of the Government.

Germany has suffered from Prussian absolutism, from the theory that the Government has the right to engage in every line of industry and treat the individuals as mere pawns to be used for the Government's aggrandizement. Centralization of power in a monarch or in a bureaucracy means the stripping of the people of power, rights, and privileges inherent in them. The reign of democracy does not mean the triumph of bureaucracy or the consolidation of power in the hands of a limited few. There can be no democratization of a people without the possession by the people of power. It is important to keep in mind always the distinction between legitimate and proper governmental powers and the authority and rights reserved to the people. It is easy to find pretexts for depriving the masses of their liberties or invading in any way their reserved rights.

These observations are rather general in their character and may not be quite germane to the bill under consideration. They

have been prompted by the House bill, which the measure reported by the Senate Committee on Mines and Mining is a substitute for, and by the clamor of some that the Federal Government shall ignore the States and the reserved powers of the people, strike down the police powers of the States, and take over not only the governmental functions of the States but also become the proprietor of the business enterprises and the industries of the people. Under some strange malady there are those who feel that the Government could run the factories, operate the mines and mills and smelters and the industries and enterprises that have made this a rich and mighty Nation, better than could the people themselves; and yet when we come into contact with the bureaus and departments of the Government we see the inefficiency, the enormous cost measured by the results, and the failure of the Government to handle business affairs with the same ability and success that characterize private individuals. It would be an unfortunate condition, in my mind, to have only one employer, and that the Government, and to have it the owner of all property, the determiner of the lives and callings of the people.

The House bill subjected the mining and smelting business of the country to the control of governmental agencies and bureaus. It provided for a comprehensive and destructive licensing system. It imposed pains and penalties that were vicious. It was altogether an unworthy, reactionary, and dangerous bill. The Senate bill which we are now considering gives ample evidence that it was drawn with broader vision and with a clearer recognition of the spirit and genius of our Government and the American people, and upon lines far more sane and progressive. Nevertheless, I regret that it was felt necessary that a measure of the character of the one under consideration should be reported.

I dislike to set up my judgment against the judgment of the members of the committee and those who have given so much thought and attention to this question. And it can be truthfully stated that those who have not participated in the hearings of the committee and are not familiar with the facts brought to the attention of the committee are not in a position to speak so authoritatively upon the question involved as the members of the committee. This bill proceeds upon the hypothesis that without some governmental interposition metals needed by the Government or in the production of the war necessities will not be available. The theory seems to be that because some rare metals have not been produced in the United States, but have been imported from foreign countries, they will not be available for use during the war unless the Government becomes interested in some fashion in their production.

No one denies the right or power or duty of the Government to acquire wherever possible whatever is necessary to prepare the Nation for its duties as a belligerent. The war, of course, must be won, and every power of the Government must be brought into play for the purpose of winning the war. If the Government requires ships, it is its duty to requisition ships where they can be found or to build them with all possible dispatch. If it lacks powder, it is its duty to procure it, and, if necessary, to build powder factories. If it needs sulphur, or graphite, or manganese, or any of the minerals or metals referred to in this bill, it possesses ample authority to make contracts for the purchase of the same. No one could criticize a measure that conferred upon the administration authority to buy whatever metals or minerals or other things that it needs in order to equip the Nation for this great undertaking, and by various bills the President and various departments and governmental agencies have been authorized to take possession of not only personal property but of real estate when needed for governmental purposes. There has been no hesitation upon the part of the legislative branch of the Government to give to the Executive ample authority to requisition whatever property was needed in the prosecution of the war. Nor has there been any withholding of appropriations for all such purposes. I have been inclined to the view that ample authority has been given to the executive branch of the Government to procure either or all of the metals described in this bill; that is, all that were necessary for governmental purposes.

And when I say for governmental purposes I mean not only such as would be used directly by the Government or some employer or some arm of the Government, but such as might be necessary by private individuals or corporations who were producing munitions or other supplies needed by the Nation. The Government now has the authority to go into the market and contract for any of the ores or minerals or metals described in this bill. In my opinion the President or agencies of the Government have the authority now to enter into contracts for the purchase of any of the necessities described in

section 1 of this bill if those necessities are required by the Government or in the production of articles which the Government needs in the prosecution of the war.

The dangerous and disturbing feature of the bill is that which authorizes the Government to take over any undeveloped or insufficiently developed or operated or idle land or deposit or mine, smelter, or plant and to develop and operate the same. As stated, the Government can acquire, in my opinion, all that our country can produce of the metals and minerals referred to by paying a suitable price therefor. We all know that the prices paid for some of these rare metals has increased very much during the past year and that the increase in the price has greatly increased production. Sulphur is mentioned in this bill. We know that a number of sulphur properties have been shut down for years because of the limited demand and the small price paid for the same. With increased demand and with a rising price many of these sulphur properties are being resuscitated and the output is being largely increased. The same is true of manganese. The demand for manganese ores has greatly increased because of the increased production of steel, particularly steel for ordnance purposes.

Because of our lack of shipping and the difficulty of securing manganese from Spain and other foreign countries attention has been attracted to the manganese deposits in our own country, and the result is that thousands of tons of manganese are now being produced in the United States where formerly only hundreds of tons were mined, and, if an adequate price is paid, the output of manganese ores will be sufficient within a very short time to meet all demands, not only of the Government but of the people of our country. Because the demand for tungsten has increased and the importations have decreased, already the result is the development of tungsten properties, and, with prices sufficiently high to justify increased production, there will be growing activity, and within a short time the needs of the Government and the people satisfied. High prices stimulate production in the products of men's genius and labor. There is no contention that these rare metals do not exist in the United States. Indeed, the theory of the bill is that they are to be found in our country, but that their development has been restricted and the output has been insufficient to meet current demands. The law of supply and demand has a field for operation in the matter of the metals under consideration. If these minerals and metals are in the United States and they can be produced, then it would seem that their production depends solely upon the question of the price of the same. If a price sufficiently high is paid for these metals, they can be procured. We all know that the history of our country has demonstrated that our mineral output has depended upon the demands of the people. No matter how limited the supply of lead or zinc or any other metal or mineral, if the price was sufficiently inviting to induce capital to engage in its production, then the necessary capital was forthcoming and the requirements of the people were met.

The view of Senators who have spoken in advocacy of this bill seems to be that without this or some similar measure of relief we can not procure the minerals and metals which the Government needs and which the people at this time require. As I have indicated, I do not share this view. In my opinion, if the Government or those who require these metals will state what is needed, they will have no difficulty in contracting for the required products, providing that they are willing to pay an adequate price therefor. The owners of sulphur, or radium, or tungsten, or graphite properties will develop the same if they are assured of a profitable market for their products.

Senators have stated that it was not the intention of the Government to operate mines and smelters, that the power conferred by section 3 would not be exercised except in some extreme cases.

As stated, I shall vote for this bill, but I shall do so reluctantly and with misgivings. I am afraid that it will prove a very expensive experiment and fail in the accomplishment of the beneficent results which are prophesied as the fruits of its enactment. I am so anxious that nothing shall be done to impede in any possible way the war work which our country is performing that I hesitate to withhold assent to measures which executive departments aver are contributory to the successful prosecution of the war. I can see that the enforcement of this bill along rational and conservative lines may be of some benefit. In the hands of unwise administrators or selfish or incompetent persons it could be made an engine of oppression as well as a breeder of confusion and discord.

The confidence that we have in the President, in his broad vision, and in his sagacious plans and policies, leads to the enactment of measures that in peace times would be regarded as extraordinary and startling in their nature. A confidence

which we have exhibited so often, let me say in passing, is justified, and the wisdom and sagacity and greatness of the President become more apparent as the responsibilities placed upon him are multiplied.

I have found it difficult to adjust my views upon all occasions to the situation which the war presents. Withdrawn from the field of carnage and legislating here far removed from the sounds of shot and shell, it is not always easy to remember that this Nation is engaged in the greatest war that has ever visited the world. The Constitution of our Government contemplates that war will call for the exercise of powers upon the part of the Federal Government which may be regarded, in the absence of a better term, as dormant or latent. So there are many measures which the exigencies of the war demand and which would be repugnant to our views in times of peace that we are now called upon to consider. I appreciate that this is a war measure, and can be constitutionally supported as such. As stated, I shall support it, but with apprehensions as to the results, but with the sincere hope that it will be even more successful and beneficent than its most earnest champions anticipate.

Mr. President, one of the reasons compelling me to support this bill is the high character of the members of the committee reporting it and also my knowledge of the patriotic and intelligent investigation which they have conducted in order to ascertain the facts relating to the question with which it attempts to deal. The House bill, as I have indicated, was so imperfect, defective, and oppressive, it would, if enacted into law, have produced such baneful and destructive consequences, that it deserved condemnation and defeat. The provisions of this bill that are most obnoxious to me are those permitting leasing and also authorizing the Government to engage in mining and smelting and all of the pursuits connected with the production of the ores, minerals, and metals described in this bill. The progress of our Nation has been so great under the stimulus of our democratic form of government and the competitive system that I look with profound concern upon the enactment of policies that change so radically our economic and industrial life. I do not mean to express approval of all of the conditions that have attended our industrial growth. There have been evils which needed correction, and wrongs, particularly to labor, that the future must prevent; but I am persuaded that the destruction of private business and the taking over by the Government of the industries, activities, and business concerns of the people will prove the destruction of our democratic form of government, and materially retard the progress and development, economically, industrially, politically, and in every other way, of our Nation and the American people. It will paralyze the genius of the American people. It will produce an atrophied condition, an economic stupefaction, so serious and deadly as will drag our Nation from its high and splendid station.

There is nothing in what I have stated that is expressive of the view that the Government may not exercise proper and legitimate power, particularly over interstate commerce; nor do I want to be understood as contending that there may not be enterprises or concerns so clearly national and governmental in character as to justify their control and, indeed, ownership by the Federal Government.

Mr. JONES of New Mexico. Mr. President—

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

Mr. JONES of New Mexico. I would like to say to the Senator from Utah that I think every member of the committee in ordinary times would violently oppose any such legislation as is proposed in this bill, and it is only tendered as a war measure.

Mr. KING. As I have indicated, Mr. President, one of the serious objections to the bill is that which authorizes the agency or instrumentality created by this measure to take over and operate mines, mills, smelters, and all instrumentalities employed in the production of the metals and minerals mentioned in the bill. The administrative agency carrying out the terms of the measure will be subjected to pressure by the owners of idle mining properties or mines which never have and never can be operated at a profit. Unless there is the greatest vigilance and care employed, the Government will be subjected to heavy and irreparable losses. On the other hand, there will be the temptation upon the part of those enforcing the terms of the bill to increase their power and activities. The feeling will be that, backed by the Government, they can make unsuccessful mines, smelters, and mills paying and profitable ventures. It is human nature to seek to increase one's authority and power, and where the results would probably be beneficial if success were achieved, the inclination to exercise granted authority will be stronger. So, without in any way impugning the motives of those who may administer this bill, it, I think, can be said that there will be danger upon

their part of engaging in the pursuits permitted by the bill and the following of a policy which will commit the Government to an invasion of the fields of private business, with consequent serious financial losses.

I concede the wisdom, and indeed the necessity, of the Government protecting itself as well as corporations and individuals engaged in producing ordnance and war munitions and other things required by the Government in the prosecution of the war, and for that purpose and to that end entering into contracts for the purchase of articles whether they be metals or woolen or leather products. And I think it would be not only justifiable but prudent to extend those contracts for such a period of time as would insure with certainty and definiteness whatever the Government imperatively needs. It would be prudent for the Government, if it requires either or all of the metals mentioned in this bill, to make contracts for the purchase of the same; and if, in order to obtain satisfactory terms, it became necessary to make the contracts for a period of one or two years, such a course would not only be warranted but demanded.

Nor can I see any impropriety in creating an agency or bureau for the purpose of acquiring the metals needed by the Government. It is not against policies of this character that I venture any criticism. It is when war measures are enacted that contemplate or authorize the Government engaging in purely private enterprises that I venture a most respectful dissent.

Mr. WALSH. Mr. President—

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

Mr. KING. I yield to my friend from Montana.

Mr. WALSH. Mr. President, I am really very curious to know what the Senator would do in the circumstances. He is not a member of the committee, although we would have been very glad to have had his help; but now what would the Senator do? Take manganese, for instance. We are gathering the greater proportion of our supply of that ore from Brazil and have got to take ships that ought to be engaged in the transport service and send them to Brazil for manganese. We can not spare those ships; we need them for the transport service, and so we ought to get every pound of manganese ore that we can possibly secure in this country. How would the Senator do it?

Take pyrites. We bring enormous quantities of pyrites from Spain. They are utilized in the manufacture of sulphuric acid. It is a tremendous task to take ships from the work that we should like to have them engaged in, the carrying of troops and the carrying of supplies over to our men, and send them to Spain for pyrites in order that sulphuric acid may be produced for use in the manufacture of munitions. We have got to keep our steel manufactures going or we will not be able to make cannon or shells, and we have got to have the manganese. So on down the list. Take platinum, take chromium, take the whole list of these things, and we have got to have them. We are at war; these are not peace times; and what would the Senator do now in war conditions to keep going the industries of our country essential to the prosecution of the war?

Mr. KING. Mr. President, the inquiry propounded by the Senator is a fair one. I think I have already answered his question by showing that there would be production of the metals and minerals covered by this bill, providing there was a sufficient demand and the price paid by the Government or those requiring the same were sufficiently high to induce private capital to enter the field of production. But, further, by way of reply, let me call attention to one or two of the metals referred to in the bill. But first permit me to say that Senators who are not members of the committee have not had the advantage of the extensive investigations made by the committee and the testimony of the numerous witnesses who appeared before the committee and gave the result of their experiences and investigation. Senators not of the committee are compelled to give their impressions based upon their own experiences or their judgment resulting from such information as they may possess. The testimony taken is found in a large volume consisting of several hundred pages. I only saw a copy of the testimony for a few minutes this morning. I hastily read the first 80 pages, and found frequent references therein to manganese, tungsten, and graphite. Mr. McBeth, who appeared before the committee, stated that there are numerous tungsten deposits in the United States, and that private enterprise will produce a sufficient supply to meet all of the demands of the Government and of the trade. I insist, and that I think is a fair deduction from this testimony, that all that the Government needs to do in order to obtain the required amount of tungsten is to pay an adequate price therefor.

Mr. WALSH and Mr. JONES of New Mexico addressed the Chair.

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

Mr. KING. I yield first to the Senator from Montana.

Mr. WALSH. Suppose the Government offer an adequate price; suppose they offer to pay a great big price for tungsten; and suppose a man has an undeveloped tungsten property. He understands perfectly well that he could get that price only while the war lasted, and the war may come to an end tomorrow; the war may come to an end next week, or it may come to an end in six months from now. Will he be justified in spending a couple of hundred thousand dollars to develop his property, to put a plant upon it, when he knows that the ore is of such low grade as that under all ordinary conditions he will not be able to market his product at a profit?

Mr. KING. Mr. President, in my opinion there is no mineral or metal mentioned in this bill which can not be found in the United States in sufficient quantity for the Government's need but what the Government can obtain it within a reasonable time, provided that it is willing to pay a fair and reasonable price. Of course, what would be a reasonable price in peace times, or if the metals were being mined and produced, would not be a reasonable price in war times, or if the mineral or metal were not being mined and suitable machinery for reducing ore when taken from the ground were not in existence. Any person owning property containing one of the rare metals mentioned in this bill will, of course, demand a sufficient price for the product to justify him incurring the risk and hazard incident to the developing and opening up a property and erecting the necessary machinery to reduce and smelt the ore. But the American business man has always been willing to take a hazard. We are constantly meeting with parallel situations. Many articles are being produced as a result of the war which prior to the war we imported. The high prices which the articles command in the market led the keen American business man into the unknown fields. He took his chances, but realized that the prices which he could command for the product when finished would amply reward him, and he therefore cheerfully subjected himself to the risk and danger that defeat would have produced.

Take the question of radium. The domestic production is sufficient for the Government. It is not only procuring what is needed by our Government, but it has arranged that Great Britain and others of our allies shall get a portion if not all that they need.

Mr. WALSH. Mr. President, it seems to me the reference made by the Senator is rather unfortunate for his argument. Radium in peace times has extensive uses, and in peace times it commands an extraordinary high price because of its use in the arts and in medicine. I have not any late information about the current price of radium, but I do not think the price to-day is in excess of what it was in peace times; so that there is a constant demand there, and yet I dare say there are many deposits of carnotite ore that are of such low grade that it would be unprofitable to work them in peace times.

Take manganese, for instance. By reason of the higher prices of manganese prevailing our production is increasing very gratifyingly, but we are still away below the needs of this Government.

Mr. HENDERSON. Mr. President—

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

Mr. KING. I yield to the Senator.

Mr. HENDERSON. In that connection I should like to state—and it will also answer the question propounded by the Senator from Minnesota [Mr. KELLOGG]—that the production of manganese in the United States in 1917 was approximately 115,000 tons, and we imported 655,885 tons; so that there was used in the United States in 1917 770,885 tons of manganese. The estimated production in the United States in 1918 is something above 200,000 tons. Now, the demand has increased; the uses are greater than they were before the war, and greater than they were in 1917; so that we will still be short in the production in the United States over 570,000 tons of manganese. If we can, through this bill, encourage the production in this country, which I understand in Montana is being worked out very satisfactorily now, we can put the United States on a self-sustaining basis in a few years, perhaps, in regard to that very metal.

Mr. KING. Mr. President, the Senator from Montana stated that I was unfortunate in mentioning radium. I mentioned radium because that is one of the so-called necessities which is placed in this bill; and, doubtless, the purpose of the bill is to subject radium to the same control as every other article mentioned in the bill. Therefore, I was justified in advertent to radium. I say again that there is no necessity of including radium in the bill. This bill will not improve the market con-

ditions with respect to radium, and will not increase the production. Whatever the market demands are, if the radium is in the country it will be produced. Men have been engaged in the production of radium for a number of years, and have produced large quantities of radium, sufficient for the ordinary uses of our country, and they have radium now for exportation.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator to the fact that the carnotite fields that exist in the western part of Colorado and the eastern part of Utah are now practically not being mined at all. As I understand, there is no production going on. The last sales that I heard anything about were at \$80,000 a gram.

Mr. KING. Does the Senator think that the Government ought to go into the business of working the fields when there is no demand for the product?

Mr. SHAFROTH. No; that is not the object, unless there is a demand.

Mr. KING. If there were a demand, will not the Senator admit that the fields, if they have the ore, would be yielding it?

Mr. SHAFROTH. It would depend entirely on whether or not it promised to be a durable demand. That would be a necessary feature, because there are a great many of these mines, and they are not worked at all at the present time, as I understand. There is not any production whatever. There has been some radium produced for a period of three or four years, but I doubt whether in all the world there is as much as 40 grams. That is a limited quantity. Of course it goes far; it is high priced; but it is not produced at the present time, as I understand. I think, as a matter of fact, that instead of the passage of this bill being a detriment to these mines, instead of its being a detriment to the production, if the demand exists, if the Government desires it, if it is essential to the Government, it would have a tendency to stimulate the industry instead of to depress it.

Mr. KING. I do not believe in the Government performing the part of an eleemosynary institution and resuscitating a business that the needs of the public do not warrant. If there is no necessity for the business, then the Government ought not to take the money of the taxpayers and make contributions to the individual who may be engaged in a losing business.

Mr. WALSH. Mr. President—

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

Mr. KING. I yield to the Senator.

Mr. WALSH. Speaking for the committee, I want to assure the Senator from Utah that no such idea actuated them or moved them to report this bill in these terms. The aid that this bill will give to miners is a mere incident, of no persuasive force with any member of the committee that I know anything about. We were constrained to report this bill because these things are necessary for the conduct of the war. It was in order that the industries of the country may be supplied, and that the war may go forward, the stimulation to the industries, so far as the miners are concerned, being but incidental.

Mr. KING. Oh, Mr. President, I did not need the assurance of my distinguished friend from Montana to convince me of that fact; but the observation to which the Senator has just replied was rather in answer to the statement of the Senator from Colorado [Mr. SHAFROTH], and I did deduce from his remarks the idea that the purpose of this bill, or at least one of the effects of the bill, might be to stimulate this waning industry.

Mr. SHAFROTH. Mr. President—

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

Mr. KING. I yield.

Mr. SHAFROTH. I will state to the Senator that as this bill was introduced in the House, or as it came over to us, I regard it as a great detriment. I do not like to see people in my State or in the western part of the country damaged or injured by reason of any legislation whatever. Consequently, we have attempted to guard it so that those injuries will not take place. That is all there is to it. If the Government does not need these metals, nobody desires to force them on the Government. There is nothing of that kind in any part of this bill. The Government is expecting to have extraordinary demands for certain rare metals, and under the present conditions they can not be produced. That being the case, the Government wants in some way to aid in getting that production; and that was our sole purpose in reporting this bill.

Mr. KING. The difference between the Senator and myself arises from this fact: He asserts here very vehemently that without this bill the Government could not procure the rare metals described in this bill.

In my judgment, as I have stated, the Government could procure within a reasonable time any or all of the metals, ores, and minerals mentioned in this bill that can be found in the United States; and, in my opinion, it could procure them for a less price than under the plan contemplated by this bill. It is a matter of common knowledge that many of the metals and minerals mentioned in the bill have been produced at various times in the United States, but because of the lack of market their production has fallen off and, perhaps, in some cases practically ceased. In the hearings Prof. Leith, one of the witnesses who testified before the committee, stated that some of the producers of graphite have closed down their property because of the uncertainty of the market. He further stated that there is an ample supply of graphite in the United States, and that "it is just a question of bringing it out." There has been but a limited market for arsenic, and the domestic production therefore has not been great. There is no necessity for the Government to engage in the production of arsenic. All that is required is to pay a suitable price and the Government will obtain all and more than it requires. The sodium deposits in the United States are ample and a suitable price will produce all that is required. The same can be said of phosphorus, potassium, sulphur, and others of the metals and minerals mentioned in this bill. It is improper to say that some of these metals and minerals are rare.

The reverse is true. They exist in great abundance in the United States, but since the market has been restricted the production has been likewise limited. Moreover, those engaged in the mining industry have been more concerned in producing gold, silver, lead, copper, and zinc, and also coal. With an increasing demand for other metals, unquestionably there will be great development and a marked increase in production.

In our dealings with other nations we have imported some of these metals. They were produced cheaply in other nations, and with the activity of the American miner and mineral and metal producer in other fields there was but slight attention paid to the production of some of these imported minerals and metals. But, as stated, conditions have changed, and we can look for great activity in the mining centers of the United States, and particularly with reference to the minerals and metals mentioned in this bill.

We have produced metals in an abundance whenever there was a demand for their production and there has been the greatest activity where there was the least interruption or interference by the Government.

Further replying to the Senator from Montana, permit me to say that I can conceive of a situation where preliminary outlay would be so enormous as to debar ordinary private enterprises from engaging in the production of a given product. However, it can not be said, in my opinion, that any of the minerals or metals covered by this bill would come within such a class. Indeed, Senators who are championing this bill have stated that there was no intention to have the Government go into the mining business or operate smelters or reduction plants.

The statements of Senators are to the effect that this bill is to enable the Government to enter into contracts running over a considerable period for the purchase of some or all of the minerals and metals mentioned in the bill. It is claimed that with contracts of that nature private individuals will be willing to engage in their production. This position is in effect the attitude which I have taken. I have insisted that the American miner and the American business man with a sufficient inducement will undertake the production of these minerals and metals. The inducement is the payment of a price sufficiently high to warrant the investment and the risk and hazard involved.

Some of the Senators speak as if it were a national calamity to import any article into the United States. This is the old-fashioned Republican view. It is the basis of Republican tariff legislation; and acting upon that view the apostles of high tariff have sought to erect a wall so high as to prevent importation. It was urged that by compulsion there should be domestic production of everything consumed. This extreme doctrine does not meet my approval. We will always have a tariff, a tariff for revenue, a tariff so adjusted as to not discriminate against any section or class. The junior Senator from Alabama has announced a tariff view which has commended itself to many people of our land.

I do not regard trade with other nations as an evil. Whenever we export, of necessity we must import; and the more we export the richer our Nation will become. The trading nation is the prosperous and the progressive nation. I like to see exportations. I should like to see our country export not only manufactured goods and agricultural products but minerals.

And exportations mean reciprocity, the importation of the products of other lands.

The Senator said that we imported a considerable quantity of manganese. Doubtless we paid for the manganese with farm or manufactured products which Spain required; but it is not my purpose to engage in a discussion of the tariff or the question of exports or imports. Now that there is a demand for manganese, and importation is restricted because of the lack of ships, there is at once an increase in the domestic production, and everywhere in the mining districts of the United States there is a great increase in the output of manganese. It is the same with graphite and practically every other mineral or metal that is mentioned in this bill. My opinion is that without legislation of this character, with the Government paying what is a fair price under all the circumstances for the metal, the Government would get whatever metals might be required.

As I stated, however, I shall not oppose this bill. The committee have given it great consideration. They affirm very solemnly that it is needed. It is stated by those who have the conduct of the war that it will greatly increase the production of metals required in the war. I have no doubt but that under this bill mining can be stimulated, and the output of metals increased. But the price will be, I am afraid, too great and the policy established too dangerous. It will give to men, to bureaus, to those who view everything from the bureaucratic standpoint opportunity for the extension of bureaucracy. It will give to those who want to embark our Government in extreme socialistic schemes and enterprises increased fuel for the fires which may be lighted. It will encourage those measures of like or similar character extending the powers of the Federal Government into the private concerns and into the field of private endeavor. If we are not careful, nothing will be immune from the omnipotent touch of the Federal Government. We will next seek to take over the smelters, the copper, lead, and coal mines; and later, perhaps, the manufacturing plants and the mills, and all of those great enterprises that have tended to enrich our country, and that are the product of the initiative, the splendid genius, the prudence, and sagacity of the American people. We should be careful lest the day come when we will have nothing to tax and all the fountains of wealth shall have been dried.

Mr. KENYON. Mr. President—

Mr. KING. I yield to my friend from Iowa.

Mr. KENYON. I do not want to interrupt. I thought possibly the Senator was in his peroration.

Mr. KING. I do not "perorate." I leave that to other distinguished Senators.

Mr. KENYON. I make very few perorations myself, I know; but I should like to ask the Senator, as he has studied the bill, a question in regard to section 5, which appropriates \$500,000 "for the payment of all administrative expenses under this act, including personal services," and so forth, "both in the District of Columbia and elsewhere." Has the Senator any estimate as to how many employees are to be used in carrying out the administrative features of this act?

Mr. KING. Mr. President, I have thought of that. The Senator from North Carolina [Mr. OVERMAN] a few days ago, when this bill was under consideration, invited the attention of the chairman of the committee to this large amount and stated that it was in excess of the appropriation annually made for the entire Bureau of Mines.

Mr. KENYON. Further, I suggest to the Senator that these employees are to be both in the District of Columbia and elsewhere. We are doing everything we can to get employees out of the District of Columbia. I should like to know from somebody the number of employees there will be under this act, and the number of those who are to be in the District of Columbia. I can not understand why we should spend \$500,000 to administer this act.

Mr. KING. I do not think that anybody—not even the distinguished chairman of the committee or the members of the committee—can give any evidence as to the number of employees that will be required under the operations of this bill.

Mr. KENYON. I suppose, now, that the matter of \$500,000 or the number of employees is rather an immaterial matter.

Mr. KING. We do not know the agency that will be selected or created, if it is not already in existence, for the purpose of enforcing this law. It may be some bureau that is already in existence. It may be that an entirely different agency will be created. My opinion is that the latter policy will be pursued. Of course, with a new agency the number of employees is purely conjectural, and the Senator can guess upon that matter far better than I can. I have no doubt that the appropriation will be exhausted, and perhaps we will have a deficiency appropriation. If the Government attempts to operate mines or smelters,

then this appropriation will be entirely too small. If an existing bureau administers the bill, the appropriation carried by the bill for administration purposes will, I believe, be sufficient.

Mr. President, this bill seems to commend itself to the judgment of the Senate. It seems to provoke not even a ripple of discord. I appear to be the only "fly in the ointment."

Mr. KENYON. Will the Senator allow me to ask him another question? Does the Senator think his statement is accurate about the judgment of the Senate? Does he believe that over a dozen Senators take any interest in the bill or know anything about it?

Mr. KING. I would not want to sit in judgment upon my colleagues. I shall give them the presumption of innocence and assert that they have bestowed upon the bill the most unusual attention and the profoundest thought and that they are so satisfied with it that they have absented themselves from the Chamber.

Mr. STERLING. Mr. President, in reference to the inquiry made by the Senator from Iowa, I may say, being a member of the committee, that I hardly think a great part of the appropriation of \$500,000 will be expended here in Washington for clerical assistance or help; but the bill contemplates that the Government may take over partially developed or partially worked or even neglected mines. It is expected, as there is no other fund than that provided in the bill, that much of the \$500,000 will be expended in that way, in field and survey work and in estimates made of the productivity of the different mines contemplated in the bill.

Mr. KENYON. May I ask the Senator what is contemplated as to the number of additional employees or agents to be used under the bill in the District of Columbia? Was there any information given to the committee on that point?

Mr. STERLING. I hardly think any definite statement was made before the committee as to the number of employees who might be required in the District of Columbia.

Mr. KING. I should like to ask the chairman of the committee whether he will accept an amendment to the bill to the effect that the salaries and compensations paid under the bill shall be no greater than the salaries and compensation paid for like or similar services in other departments of the Government?

Mr. HENDERSON. Mr. President, I see no objection to that whatever, but it was not the intention of those who would administer the bill—because I have talked with them—to go to any unnecessary expense in this matter. I might state, for the benefit of the Senator from Utah and the Senator from Iowa, that the plan under which the bill will be administered is not fully worked out, but there was a plan proposed whereby they would zone the United States and have a competent mining man in each zone. They thought that under a system of that kind they probably would not have more than a hundred employees, or something of that kind. They will have to send men out to examine property, and assays will have to be made, and things of that kind will have to be carried on. They may also have to send an agent to some foreign country to get contracts with people there for various of these metals. It is hard to tell just what their expenses will be; but what is the use of having a bill unless you can operate under it successfully and have the money to carry on the operations? They may not expend half that amount; I hope they will not; but if it is necessary, they should have it, so that they can go right ahead.

Mr. KING. Mr. President, I wish to state to the Senator in charge of the bill the reason why I suggested that amendment. The attention of Senators has repeatedly been called to the fact that many of the departments, and particularly some of the new agencies and instrumentalities being created, are bidding against each other for employees. Yesterday one of the chief executive officers of one of the most important departments of the Government complained to me about the situation and stated that men who had been in the department for years had been taken away by some of the new governmental agencies. The employees so taken away were promised much larger salaries. It developed yesterday in the Committee on the Census that men had been taken from the Census Bureau by the Emergency Fleet Corporation and by other newly created agencies, the higher compensation being the lodestone attracting them. In one case mentioned the employee in the Census Bureau received \$2,500 but is now getting \$5,000 from the fleet corporation. If the agencies and instrumentalities that we are constantly creating are permitted to invade the fields occupied by the departments and take away from them their employees without restriction the work of the departments will be demoralized and serious harm will come to the Government.

Therefore, I have felt that in all agencies hereafter created there ought to be some provision that will prevent a repetition and continuation of this evil, so harmful in its consequences.

Mr. FALL. Mr. President, I think if we go into this business the people of the United States will understand a good deal more about the mining business when they get through with it than they understand now. They will know that the development of the great mineral wealth of this country is the most important business that could occupy the attention of the people of the country at this time. Of all the wealth accumulated in the United States to-day there is more added wealth due to the development of the natural resources of rock, the mines, than from all other sources combined.

Mining is a business requiring experts, Mr. President. I know that is contrary to the general supposition which is that a waiter at a hotel gets a tip from a copper king of Kamskatka or somewhere else and makes a fortune in a mine. That is the general idea, I think, that is held by a great many of the people of the United States about mining.

I can say that the fears of the Senator from Utah are groundless, if this bill is properly administered, as to the expenditure of this \$500,000 interfering with any other bureau I know of in the United States Government to-day. It will not interfere in the very slightest degree, because there is scarcely a man in the Government employ in any department, unless it be Barney Baruch himself and Replogle, his assistant, who knows anything about the mining business of to-day. If you were to pay Mr. Replogle, in charge of this bureau, what his services are worth, instead of the dollar a year which he is now serving his country for, \$100,000 of it at the very least estimate of the \$500,000 would go for his service alone. You have been enabled to secure, through the patriotism of men of this kind, the services of men whom, if you undertook to employ them simply to operate the \$50,000,000 appropriation that is contemplated here, you could not secure for twice \$500,000. You must send a man to examine an ore body who knows something about the cubic contents of ore. For instance, if you want to estimate as to how much ore there is in a given body before you can handle it at all you must know what the general analysis of that ore is, because, although it may be 50 per cent manganese, it may have a combination of such other alloys or minerals that it will be necessary to treat it in a certain way, making it cost twice as much as another deposit 500 yards away or a mile away? You must have an expert who knows how to do this business. You have not a man employed in the United States to-day, except in the high positions to which I have referred, who has any knowledge whatever upon this subject.

Bear in mind that no geologist in the employ of the United States Government or any private corporation, so far as I am aware, ever discovered or developed a lode or body of minerals. We have geologists, but they are not practical miners or mining men, and by the time one of them completed a geological survey where some brogan-shoed miner had discovered a deposit, and told you how the particular mineral happened to be deposited, by the time he had arrived at his conclusion and put it down upon paper, to tell how that mineral was deposited, the war would have been over.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER (Mr. McKellar in the chair). Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. FALL. I yield.

Mr. THOMAS. I think the Senator might add that some of the most valuable mineral products of the land were discovered by the prospectors in the identical regions where the scientists said no minerals existed.

Mr. FALL. Certainly; they said that gold could not exist there. Half a dozen geological reports were made that in the Cripple Creek district gold could not exist, and at White Oaks, N. Mex., because of the filling of the veins with gypsum, and that gold could not exist in gypsum. Yet the geologists later found that there were nuggets weighing as much as a pound or 2 pounds in the gypsum itself.

Mr. McCUMBER. Let me ask the Senator, will not the geologists and the scientists be the very people who will be employed under this bill?

Mr. FALL. Not if Barney Baruch or Replogle run the business. I say that unhesitatingly, because they are business men. One of them for years has been buying and selling minerals and the other one's business has been that of producing iron and steel economically, and he knows more about that business than any other man in the United States, I presume.

Mr. McCUMBER. Then, the Government will reverse what has been its policy for the last 40 years.

Mr. FALL. I do say—and I say very frankly to the Senator—if I did not believe the men now in charge of the metals

purchasing division of the United States Government would entirely reverse the policy of the Government I would never vote to create such a bureau, nor one cent of money to form such a corporation as is contemplated here.

Mr. KING. Will the Senator permit me?

Mr. FALL. I yield.

Mr. KING. Does the Senator believe that Mr. Barney M. Baruch will have anything to do with the administration of this bill?

Mr. FALL. I think it would clearly come within his province, and I voted for the Overman bill with the idea that the President of the United States might allocate Mr. Baruch to do exactly such work as this.

Mr. KING. I think he is one of the ablest executives who can be found in this country, and if he were selected for the administration of the agency created by the bill it would be a most fortunate thing for the Government?

Mr. FALL. Undoubtedly.

Mr. McCUMBER. What assurance has the Senator that he would be selected?

Mr. FALL. I can not give any assurance. I am simply speaking as a practical mining man in answer to the suggestions made that \$500,000 is too much. I say that you must have expert men in every branch of this service if you are going to make a success of it. For instance, I happen to know that the Government of the United States, operating, I think, under direct orders from Mr. Baruch in its attempt to secure manganese, for example, has been compelled to say to the purchasers of manganese from the mines in the southwestern country, "take our analysis, take our percentage, and settle with this man," because the particular purchaser at this time objected to or refused to accept the assays made by the producer and his experts, and insisted upon basing the payment for the carloads of manganese shipped to them upon their own assays, and the difference was about two-thirds of the total value per car. The Government had to step in and secure the production of manganese and say to the purchaser, "Take our assays and settle upon our assays"; and an expert Government agent was necessary, as an expert Government agent will be necessary in every line of this business. This is peculiarly a high-place expert business.

Then there is nothing but the principle involved. Does the Senate of the United States care to see the Government go into this business? If you do, your corporation will be, if properly handled, such a corporation as we knew in the old days of Ladenburg, Thalman & Co., with their agents all over the world engaged in handling, buying, and selling and the disposition of minerals, a corporation such as we know now has been created and operated by the different metal selling agencies which handle the product of the great copper mines of the West. Of course, the ordinary impression is that the producers of the ore handle the product of the ore. That is an entirely erroneous impression. It is handled by the smelter selling company. Through their methods of handling and selling they have been enabled to keep the different mines running. One pound of copper might cost in one mine 7 cents to produce and in another mine 13 cents to produce, and the price would be only 13½ or 15 cents. It has been possible to do that through the metals purchasing and selling companies, and that is the purpose of this bill.

I can say to you very frankly, Senators, that you will not find, in my judgment, if you intend to go into the business at all, that \$500,000 is too much. It is evidently the purpose to establish a new bureau here, because it is provided in a paragraph of this appropriation itself that none of this money shall be used for paying present employees any addition to their present salaries.

Mr. SHAFROTH. Mr. President, I wish to say just a word in answer to the junior Senator from Utah [Mr. KING]. He is assuming that the Government is going to take over the mines and operate them and operate the smelters and everything that is necessary to get these minerals to market. The object of the committee was not to frame such a bill, and it is not expected that that will ever occur. There are certain powers that are given which if necessary would produce something of that result, but so far as the operation of the bill is concerned it is expected that the Government will stimulate as far as it can the individual efforts of the miners for the purpose of getting out these ores. The information came to us, as members of the committee, that these minerals are indispensable to our success in the prosecution of the war, and that these are minerals that must be had.

As the Senator knows, the bill as it was first introduced in the House made entirely different provisions. It provided that there should be maximum prices fixed for these minerals, and then after amendments were made it provided for minimum

prices only. Our experience has not been good in fixing maximum prices. Even the fixing of a minimum price, if it happened to be too high, might result in there being produced from the mines of the United States hundreds of millions of dollars worth of these ores which the Government might not need at that time. You have to contract for a period of time over which these minerals shall be produced or else the miners will not undertake their production, no matter what the price may be.

I believe in the principle of supply and demand. In normal times you can count upon practically the same demand existing. I have always believed in the principle of supply and demand as controlling transactions in commerce; but when a condition arises which necessitates the production of a certain quantity of ore within a certain time, and you know that you can not get the ore within that time unless you stimulate its production, it becomes a different proposition. In order to induce a miner to produce ores he has to have an assurance that the price that is to be paid to him shall remain fixed and permanent for at least such a period of time as will permit him to reimburse himself for the outlay which he must make in order to develop the property. A man is not going to spend \$100,000 in developing a mine and take the chance of the bottom falling out of the market price of his product within a year. He has to have a certain amount of profit to justify him within a period of time to produce the metal.

It is a great deal better that we should have a contract system, which is the system provided by the bill, than to give a blanket guaranty that all the material that shall be produced shall be sold to the Government at a guaranteed price. The result of that system would be that there might be upon the part of the Government a liability of hundreds of millions of dollars. We have wiped out those provisions. We have gone to the contract system as well as it can be defined and as well as it can be made applicable and workable.

It seems to me, Mr. President, that the bill is so eminently fair that we ought to pass it.

There is pending an amendment which I proposed and upon which I would like to have a vote.

Mr. THOMAS. Mr. President, just a word upon this bill. In ordinary times there is no feature of this measure that would commend itself to the approval of my judgment. I think that as regards a number of the so-called necessities recited in the bill there ought to be in the ordinary course of production even in war times an abundant supply for the uses of industry and of commerce and for military purposes. But as to that my information is not specific.

The dependence of the United States upon other countries for a large number of the materials which are recited in the bill has been due to the fact that in this country their deposit is comparatively sparse and also to the fact that production in foreign countries and importations into America of these materials has been economically profitable. Much of this material comes from neutral countries, and if we had an abundance of tonnage the difficulty now confronting the Government would not exist. There is no trouble about the supply. The difficulty is in the means of transportation. Hence we are obliged to look to ourselves for the production of these minerals as far as possible, and while some of them have been produced in a profitable quantity in the United States a very considerable number of them have not. The average individual, however enterprising, is unable at present to secure capital for any new enterprise. Here and there there may be an exception, but speaking broadly and generally the Capital Issues Committee will not sanction the issuance of securities to companies designed to promote and develop minerals of the several sorts mentioned in the bill.

Mr. McCUMBER. Mr. President—

Mr. THOMAS. I yield.

Mr. McCUMBER. Right there will the Senator inform us why such persons can not get the credit under our general corporation law, where we appropriated \$500,000,000 for the very purpose of assisting these needed industries?

Mr. THOMAS. I can give the Senator the reason assigned in an individual case. My colleague and I had occasion to go with a couple of our constituents from Boulder County to the Capital Issues Committee within the past two weeks. The gentlemen are engaged in the production of tungsten, one of the materials mentioned in this bill. They have been engaged in tungsten mining and ore treatment for some time, and are producing a fairly large quantity of the metal, but owing to the price of labor and of materials needed for the reduction of the ores they must increase the quantity of their product if they are to make any profit under prevailing prices. Hence they enlarged the capitalization of their company and came to Washington and asked permission to float their securities

to the extent necessary to enable them to double their capacity and at the same time open a sufficient number of mines known to contain tungsten. The proposition was turned down upon the ground that the industry contemplated in the enterprise was of a speculative character. Of course, all mining is speculative, some of it extremely hazardous, but I think that the construction given the enterprise was erroneous, because it affected a growing concern whose purpose was to increase its capacity and supply the Government with a much-needed alloy. The statement was made—not in my presence; I speak on second-hand information—that the rule applicable to this instance is made general and applicable to all instances of a similar character, and is one of the reasons for the appearance of this bill.

In that particular instance I am very sure that if those gentlemen can obtain the needed aid from the Government or from some other source they can very largely increase the percentage of our local tungsten supply. Whether they can get it from this bill is, I presume, a matter of administration, on which I do not propose to enter.

Mr. McCUMBER. Will the Senator allow me again? Of course I do not know to what extent tungsten is a war necessity.

Mr. THOMAS. It is absolutely necessary as an alloy for the best qualities of steel.

Mr. McCUMBER. But I do know that we created this corporation for the very purpose of rendering whatever assistance was necessary to any company or institution that was producing war necessities. If that corporation is not performing its intended functions, we ought to know it. I can not see why it is necessary to introduce another bill to create some other force to do that which we authorized and directed them to do.

Mr. THOMAS. I am not sufficiently familiar with the modus operandi of the Capital Issues Committee to sit in judgment upon it. I only speak from the knowledge which I possess, and that is embodied in the illustration that I have just given. I quite agree with the Senator that in instances of this kind, where no money is asked from the Government, but merely the privilege to raise it outside, every doubt should be construed in favor of the individual, provided his record and reputation warrant it, so as to enable him to proceed in the ordinary way that business follows in time of peace.

Mr. SMOOT. Mr. President—

Mr. THOMAS. I yield to the Senator.

Mr. SMOOT. In further answer I wish to say to the Senator from North Dakota that the War Finance Corporation under the act is restricted to certain classes of loans; or, in other words, under section 7 of the act—

Mr. THOMAS. That is true, but if the Senator will permit me, this application was not for a loan at all. All they wanted was permission to float their securities and take their chances in the financial markets of the country.

Mr. SMOOT. That comes before the Priorities Board.

Mr. THOMAS. It came before both. The Priorities Board sent this question to the Capital Issues Committee.

Mr. SMOOT. Does the Senator say that they refused?

Mr. THOMAS. I so stated. It was refused.

Mr. SMOOT. And it was for the production of tungsten?

Mr. THOMAS. For the enlargement of the plant, an enterprise that had been in existence and had produced it for some time.

Mr. SMOOT. I will say right now in this connection, I think we can take \$25,000,000 and encourage the miners to produce an increased amount of tungsten and some of the other minerals mentioned by direct means rather than through an organization such as proposed under this bill.

Mr. THOMAS. Speaking of that particular mineral I have no doubt of it. If the price of tungsten could be increased 10 or 15 per cent above what it now commands, I think it would have that effect, undoubtedly.

Mr. SMOOT. All that the Colorado producers of tungsten have asked is \$1.35 a unit.

Mr. THOMAS. The Senator means an increase of that amount.

Mr. SMOOT. No; not an increase, but \$1.35 a unit.

Mr. SHAFROTH. Oh, no; it sells now for \$23 a unit.

Mr. THOMAS. The Senator from Utah must be mistaken in his figures.

Mr. SMOOT. The War Industries Board has placed a price upon it of \$1.25 a unit, making—

Mr. SHAFROTH. The Senator will find that a unit of tungsten is not a pound; it is a great deal more than that. I think it is 20 pounds; that is my impression. That would make the price very nearly as the Senator has stated. At \$23 a unit of 20 pounds the price would be, as the Senator can see, around \$1.15 a pound.

Mr. SMOOT. One dollar and twenty-five cents a unit is what the price is fixed at to-day. The Colorado producers of tungsten ask for \$1.35.

Mr. THOMAS. With 20 pounds to the unit and \$1.35 a pound, the price per unit would be above \$25.

Mr. SMOOT. It would be about \$25 a unit.

It seems to me that an increase of 10 cents a unit ought to have been granted, because that is what the producers ask for and what they said would be required to insure an additional amount of tungsten from the mines of Colorado; and I know that it would have done so in the State of Utah. How much easier it would have been to have even paid \$1.75 a unit for the 8,000 tons of tungsten which are needed in this country over and above what there is in sight. If the Government had paid that price there would have been no need of any such organization as that provided for in the bill.

Mr. THOMAS. It would have had that result so far as concerns that mineral.

Mr. KING. Mr. President—

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

Mr. KING. I should like to ask my colleague by what authority that price was fixed by the board or organization to which the Senator has just referred?

Mr. SMOOT. All I desire to say is that Mr. Baruch frankly admitted, as I understand, that there was no direct authority, but it was so vitally necessary that there were \$3,000,000 set aside for the purpose of buying tungsten, and the price was fixed at \$1.25 a unit.

Mr. THOMAS. Mr. President, I shall not detain the Senate any longer than to observe that this bill has received unusual consideration from the committee having it in charge. I know personally that the committee have been laboring with it, have investigated this subject, and have conferred with all and everyone who could give them any information whatever on the subject. I think I can say without hesitation they have done as much work and as good a work upon this bill as has been done upon any bill that has emanated from a committee since I have been a Member of the Senate. Hence I hesitate to criticize its inclusion in the various materials of minerals and mineralized subjects which I know exist in great abundance in different parts of the United States.

Let me close as I began by saying that the only justification for this bill, in my opinion, is the present necessitous condition generated by the existence of war. I do not think that it is necessary to take care of producing materials of this sort after the war shall have been concluded; I think that is largely imaginary, because when peace returns to a war-stricken world and when industries once more make the effort to stand erect the demand for labor and material of all sorts will, in my judgment, exceed, if that be possible, the existing demand for them during times of war. The period between the end of the war and the ultimate reestablishment of economic conditions will be the period in which all materials of commerce and labor will enjoy a prosperity not vouchsafed to them during these times of extraordinary and feverish demand.

Mr. SMOOT obtained the floor.

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

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

Mr. SMOOT. I yield.

Mr. HENDERSON. I understood the Senator from Utah to say in regard to tungsten that a unit was a pound.

Mr. SMOOT. Twenty pounds.

Mr. HENDERSON. As I understand, a unit is 20 pounds of tungsten trioxide.

Mr. THOMAS. If the Senator will permit me, I think the difference between the Senator from Utah and myself arose from the fact that I confounded a unit with a pound, and possibly the Senator from Utah also did. He spoke of a valuation that covered a pound when I supposed he meant a unit.

Mr. SMOOT. Mr. President, is there an amendment pending?

Mr. KING. I was about to offer an amendment.

The PRESIDING OFFICER. The junior Senator from Colorado [Mr. SHAFROTH] has an amendment pending.

Mr. SMOOT. Then, I should prefer first to have that amendment acted upon before I take the floor for the purpose of offering an amendment.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Colorado [Mr. SHAFROTH] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I offer an amendment to the amendment, on page 21, line 7, beginning with the word "and," to strike out the following: "and of such other rare or unusual elements."

Mr. President, that amendment to the amendment is offered because in section 1 of the bill are enumerated all the rare metals the United States needs in the prosecution of the war. A number of the minerals mentioned are not rare in any sense of the word, and I expect to offer further amendments to take out the very common minerals. I believe that if we are going to act favorably upon this bill, we ought to specifically state the metals that are to be covered, and not have a basket clause which could be construed to cover all of the metals which may be produced in the United States. I do not think there will be an objection to this. I think that every rare metal is mentioned that ought to be.

Mr. HENDERSON. Mr. President, I will state that I have no objection to the amendment proposed by the Senator from Utah. As I said the other day, it was not the intention of the committee so to draw the bill as to include anything else except the metals mentioned here.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Utah to the amendment.

The amendment to the amendment was agreed to.

Mr. FLETCHER. I desire to suggest that if we are going to enumerate the minerals which we desire covered, it ought to be done with considerable care—

Mr. KING. They are enumerated.

Mr. FLETCHER. For there are a number of these minerals with very peculiar names; they are very technical, and they are being developed all the while.

Mr. SMOOT. I will say to the Senator that even paper clay is classed as a rare mineral, and I am quite sure that there is nothing in the way of rare minerals that can be found in the dictionary that is not included.

Mr. FLETCHER. I would not venture to pass upon the matter myself, but if the experts have passed upon it I am quite satisfied.

Mr. KING. Mr. President, I offer an amendment to the amendment, as a new section, on page 26, line 11, after the word "law," to insert:

That no person employed under the provisions of this act shall be paid any salary or compensation in excess of that paid for similar or like services rendered in executive departments of the Government.

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment to the amendment was agreed to.

Mr. HENDERSON. Mr. President, I move to strike from the bill all after the word "act," on line 23, page 23, down to the words "The fund," on line 3, page 24.

Mr. SMOOT. That is to conform to the amendment which was offered by the Senator from New Mexico?

Mr. HENDERSON. Yes.

The PRESIDING OFFICER. The question is on the amendment to the amendment offered by the Senator from Nevada.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, on line 1, page 21, I move to strike out the word "chalk." I do not think that can possibly be called a rare mineral, for it is found in many of the States of the Union. I have not heard any reason why it could not be produced in such quantities as may be required by the United States.

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

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

Mr. SMOOT. I do.

Mr. HENDERSON. The degree of independence of chalk as shown to the committee is as follows: That in 1917 the production in this country of chalk was 8 per cent out of a consumption of 100 per cent.

Mr. SMOOT. I will say to the Senator that that is absolutely true; and the reason of it is because chalk can be produced in foreign countries a great deal more cheaply than it can be produced here. Chalk is not a rare mineral. What we have got to do as to chalk is to pay a price for it which will enable miners to produce it in this country. I do not believe that we ought to put the Government of the United States into producing the common minerals that can be found almost anywhere and which, under the operation of the bill, will cost the Government more than if a fair price was put upon them, so that they can be produced by the individual owners of such properties.

Mr. HENDERSON. I understood that there was no true chalk obtained in the United States; that we got it mostly from England. Therefore we included it in the bill. Now, as I understand, none of the various rare metals or minerals of which we have a sufficient supply or are getting a sufficient supply will

be affected by this bill. It is only those that we actually need in the prosecution of the war.

Mr. SMOOT. The Senator should have said "refined" chalk rather than "pure" chalk.

Mr. HENDERSON. I said "true" chalk.

Mr. SMOOT. Oh, "true" chalk. There is plenty of true chalk, Mr. President. I think the bill ought to be confined to the rare minerals that are required in the production of munitions of war, steel, and other commodities required for war purposes. I think the Senator from Nevada ought to accept the amendment I have suggested.

Mr. McCUMBER. Mr. President—

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

Mr. SMOOT. I yield.

Mr. McCUMBER. I know nothing about these minerals, and I wish to ask a question of the Senator from Utah. The Senator has just suggested that we can get chalk, and perhaps get it easily, if we will pay a price which will justify its production. The Senator from Colorado or the Senator from Utah—I do not remember which—said that we could get tungsten mined in sufficient quantities if we would pay a sufficient price. It will cost the Government just as much as it will private individuals, and probably 50 per cent more, at least, to accomplish the same result. Is there any one of these metals that we can not obtain just as well if we will pay a price that will justify their mining; and why should not the Government, instead of appropriating the vast sums carried by this bill, say to the miner, "We will pay you such a price and contract with you for such a price as will enable you, even with the present high cost of labor, to produce the article and sell it to the Government?"

Mr. SMOOT. Mr. President—

Mr. SHAFROTH and Mr. HENDERSON addressed the Chair.

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

Mr. McCUMBER. I asked the question, of course, of the Senator from Utah.

Mr. SMOOT. There are metals enumerated in this bill that can not be produced in that way. Certain of the metals named—I am not going to take the time to specifically enumerate them—are rare metals which the Government wants quickly, and therefore it desires the power to produce them at the very earliest date possible. This can be done by the Government quicker than by the individual owners. They are to-day found in small quantities; and I doubt whether any individual would undertake, or could secure assistance to undertake, to produce certain of these metals at any reasonable price and get them out in time to meet the Government's requirements.

Mr. McCUMBER. Then, the Senator from Utah thinks that the Senator from Colorado is in error in his assumption that the Government itself will not go into the mining business?

Mr. SMOOT. I am quite sure the Government will; I have no doubt of it as to certain of the metals named.

Mr. McCUMBER. I have not any doubt, if I may say so, that the Government will go into all of these lines, and probably go into them to as great an extent as it has gone into the telegraphic field; and the first result will be that it will enormously increase the wages of all employees, and then it will produce, if it produces at all, at a cost three or four times in excess of the price it is paying to-day.

Mr. SMOOT. I want the Senator to understand that I am not enamored of this kind of legislation. If the conditions were other than they are to-day, I do not believe that this bill would receive 10 votes in this body. Before we get through I wish to move to take out of the bill the common minerals, so that it may be understood in the future, if the bill becomes a law and is ever referred to as a precedent, that it only covers rare metals. If we put in the bill chalk, fuller's earth, fluorspar, mica, and sulphur it will appear as if we did want the Government to go into the mining business and into the production of metals not for any special purpose, but for the mere purpose of engaging in the business. Take sulphur, for instance—

Mr. NELSON. Mr. President—

Mr. SMOOT. Just a moment. I wish to say, Mr. President, that in the State of Utah we have mountains of sulphur. The sulphur in my State is not in veins, as rare metals are generally found.

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

Mr. SMOOT. In a moment. It is a question of transportation. What we ought to do in order to get sulphur in certain remote places is to provide transportation at low rates for it. Then it could be handled beyond a doubt. In the State of Wyoming there are great fields of sulphur which are being worked to-day; and, of course, we all know that in Louisiana

great quantities of sulphur are produced. I might say the same thing is true of Nevada and also of almost every Western State. I think there is more real necessity for including sulphur in the bill, perhaps, than any of the other common minerals I have named; and yet we can produce all the sulphur that is necessary, if we will furnish the shipping facilities and pay a price that will justify the producer in paying the freight, for it is not so much a question of getting the sulphur as it is a question of transportation.

Now I yield to the Senator from Minnesota.

Mr. NELSON. The Senator said a moment ago that there were a few items which he thought were of a peculiar or scarce character that could not be obtained quickly enough for the necessities of the Government unless the Government took hold of their production. Will the Senator point out some of those items?

Mr. SMOOT. I will name bismuth, bromine, chromium, cobalt, corundum. Then there are molybdenum, mercury, potassium, pyrites, and tungsten. Those are the rare minerals that the Government must have. We have got to have them if they are to be had in the world. If the shipping facilities were such that we could send all over the world for these minerals, then there would be no necessity for this bill. In that event, I should say let the ships go to the countries in which these minerals are produced and bring them to this country, as has been done in the past; but the shipping facilities are such that the ships can not be spared. Therefore, Mr. President, we must produce these minerals in this country, and the manner provided in this bill is about the only way that we shall be able to secure them.

Take, for instance, kaolin. Kaolin is not in any sense a rare metal. Kaolin is found in great beds in many of the States, particularly in the West. Of course, we all know a little about mica, which is produced in New Hampshire and in North Carolina. I have heard of no special demand which has been made for mica. I can not see why we are not able to produce in this country all the mica that is necessary for war purposes. The known deposits now are owned by companies which are producing mica, and if the price were sufficient they could increase their production to supply all that is needed for the requirements of the United States, because the substance is found in large quantities in the United States.

Mr. HENDERSON. Mr. President—

Mr. SMOOT. I yield.

Mr. HENDERSON. I wish to state, as showing the degree of independence of mica in the United States, that out of 100 per cent consumption the domestic production is only 38 per cent.

Mr. SMOOT. I think that is about right.

Mr. HENDERSON. The object of the bill is to encourage production and to bring it up to the full requirements and needs of the Government. So far as mica is concerned, we do not use a great deal; I presume about 6,000 tons a year is used.

Mr. SMOOT. That is the very maximum. Mr. President, how often have we heard it stated upon the floor of the Senate that if we wanted to produce a certain commodity required by the people or the Government all we had to do was to put a tariff upon it? I recognize the fact that the Senator from North Carolina [Mr. Simmons] had slight leanings toward an adequate tariff upon mica, as it is produced in North Carolina; but I say now that, with a fair tariff upon mica, every ounce that might be required at any time in this country could be produced in the single State of North Carolina.

Mr. FALL. Mr. President—

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

Mr. SMOOT. I yield to the Senator.

Mr. FALL. I think the Senator is correct; and it is due largely to the fact that there has been no stabilization of prices with reference to mica and some of the other substances to which he has referred by a proper protection of American industry that we now find ourselves in the position where we have not these articles and must go to some extraordinary end to achieve the same result which if the policy of the Senator and mine had been followed we would have achieved long ago in times of peace. However, those are questions of opinion. Now, we are confronted with a war condition; and I am supporting the bill—and I think the Senator and I are together upon that at least—upon the theory that this measure will allow a stabilization of prices. For instance, the price of tungsten has been going up and down at such a rate that almost every man who is engaged in the production of tungsten or attempting to uncover bodies of tungsten has gone broke because one day he would be told that he could get so much money for it, but after he had expended thousands of dollars in uncovering a body of ore and was ready to produce, then he found

that the market for the commodity had gone into the hands of one or two parties, and he lost his money. This bill will enable the Government to offer him a stabilized price for the continuance at least of the term of the contract into which he enters.

Mr. SMOOT. Mr. President, in connection with what the Senator says, I want to call the attention of the Senate to a mining district in the State of Utah called the Gold Hill district. Tungsten was discovered there in considerable bodies and has been produced in limited quantities, but when it was shipped to the smelter the smelter said, "We do not know what price we can pay you for it; tungsten changes in price so rapidly that we can not afford to buy tungsten unless we buy at a price which we know will involve no loss to us."

Mr. McCUMBER. Mr. President, could not the Government, without this bill, make a contract for such a price? What is there to prevent the Government from making such a contract?

Mr. SMOOT. I will tell the Senator, although I do not know that it ought to be made public. We are short many thousands of tons of tungsten for the year 1918; even if the full amount of tungsten is produced, as estimated by the Bureau of Mines. We must get tungsten in some way in order to make the steel necessary to build our ships and for other purposes. I wish to say now that, as much as I dislike the bill, as much as, in my opinion, it is absolutely contrary to all principles of legislation that ever I thought would be presented to Congress, I must not vote against it if for no other reason than that it may get the necessary quantity of tungsten.

Mr. McCUMBER. Let me ask the Senator if he himself does not believe that if we would pay a price sufficient to justify the miners in seeking out and finding tungsten we would in the end get it very much cheaper than we will after we have appropriated this \$50,000,000?

Mr. SHAFROTH. If the Senator from Utah will allow me right there I will state that it is a question of time. The stability of the market is what controls the miner as to whether he is going to put \$50,000 in a mine and thereby produce at a price at which he knows he can make some money.

Mr. McCUMBER. Yes; and my opinion is—and it is justified by the arguments that have been made by Senators from the mining States for years—that a good western miner in point of time will find mines very much more quickly than will a Government expert.

Mr. SHAFROTH. I have no doubt of that.

Mr. SMOOT. If he has the capital.

Mr. SHAFROTH. If he has the capital to develop the mine; but the difficulty is that the price, while high to-day, may be low by the time the miner opens up his mine. Tungsten has varied from \$108 a unit of 20 pounds down to \$23.

Mr. McCUMBER. That could be overcome by a stabilized price on the part of the Government.

Mr. SHAFROTH. That is what we are trying to get by this bill.

Mr. McCUMBER. It can be done without the bill.

Mr. FALL. Mr. President—

Mr. SMOOT. I yield to the Senator.

Mr. FALL. The Government can undoubtedly buy tungsten for governmental purposes, but the Government now has no authority to buy tungsten needed by the independent or other steel makers in the United States and sell and turn it over to them, unless you do give it legislative permission. That is exactly the proposition of this bill—to enable the Government to buy and sell and allocate these minerals, because it is from private individuals that the Government is getting its steel. The Government is not in the business of making steel, but is buying its steel, and tungsten is needed in certain classes of steel. The Government, unless it were itself making steel, would have no use for tungsten after it bought it, and yet it is absolutely necessary in the production of steel.

Mr. McCUMBER. I understand that; but I think, if the Senator will look over the laws we have passed, he will find that there is ample authority on the part of the Government to purchase any of these articles that may be needed and sell them to producing companies, even though they are private companies.

Mr. FALL. I do not think so.

Mr. SMOOT. The trouble is that there is no appropriation; and, as I just answered my colleague [Mr. KING], they virtually set the law aside and set aside \$3,000,000 for the purpose of purchasing tungsten and stabilizing the price.

Mr. HENDERSON. Mr. President, all through the discussion of this bill I have refrained from giving facts and figures in connection with some of these rare metals, for the reason that I have regarded them as confidential and not advisable to give out to the world at this time. However, the condition as to tungsten has now been brought out. The production, imports,

and requirements of the United States for 12 months, beginning May 1, 1918, in regard to tungsten are as follows:

Estimated requirements, 16,000 tons.

Domestic production, 4,500 tons.

Imports, 7,000 tons.

Additional requirements, 4,500 tons.

We must have that tungsten. In order to keep pace with the United States consumption, domestic production and imports must be increased 365 tons monthly.

That is the situation to-day with regard to tungsten.

The prices were spoken of a little while ago, and, as the Senator from Colorado said, they have varied greatly. In 1914 the ore concentrates, based on 60 per cent of tungsten, were \$400 per ton; in 1915, \$1,800 per ton; in 1916, \$2,100 per ton; in 1917, \$1,200 per ton; and in 1918, \$1,500 per ton.

That shows just how the market has fluctuated in regard to tungsten.

Mr. SMOOT. Mr. President, I have a committee meeting that I must attend. I had hoped to be able to offer the amendments referred to. I will say that if there are any other amendments, or anybody else desires to speak upon them, I shall not be gone more than half an hour, and I can offer the other amendments when I return.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Utah.

Mr. HENDERSON. Mr. President, just one word there. I realize that there may be a few of the metals mentioned in this bill produced in sufficient quantity at this time, but after a careful consideration of the whole subject matter the committee decided that it was better to have them in the bill, so that in the future if any action was necessary it could be taken without coming back to the Congress for more legislation. It is not the intention of the committee to have any of these metals interfered with in the least as long as the production is sufficient to meet the needs and requirements at this time. Next year, however, a new situation may be presented, whereby some of them that we leave out now might need to be controlled by the Government. That is the only reason why it is thought best to include all of them.

Mr. SMOOT. Mr. President, in answer to that I want to say to the Senator that if at any time the War Industries Board should intimate that they wanted this bill amended by adding a certain rare metal to it, I am sure the amendment could pass Congress within a week. I am looking out for the future. I am looking out for the time, 10 or 15 years ahead, when some proposition may be made in this Chamber or in Congress asking for just such powers as these, covering not only these items, but all of the mining industries in the United States, and having this pointed to as a precedent established by Congress. If I thought my amendment was going to interfere in any way with the object of the bill, I would not insist upon it; but I know you western Senators are just as deeply interested in this question as I can possibly be, and you want to protect the mining industries just as much as I do. I believe, therefore, that it is the wiser thing to take out chalk, fluor spar, fuller's earth, kaolin, and mica.

Mr. SHAFROTH. Mr. President, I hope the Senator will not insist upon his amendments. Each one of these minerals has been investigated closely and carefully, and the amount of present and possible product determined as near as can be. There has been every endeavor to include only those rare minerals which the Government will likely need. The Senator from Utah may have peculiar knowledge as to a few items, but there are many mentioned there that he probably does not know the facts concerning. On that account, it is safer to rely upon the experts who came before the committee and testified as to the necessity of each one of these rare metals, than it is to rely upon a Senator who rises and says, "I do not think the Government needs this or that mineral."

Mr. President, that is not a safe way to legislate. If this were a bill under which a wrong might be perpetrated on somebody, it would be well to watch each item, and insist upon the improper items going out. If it were a bill which provided that there should be a maximum price fixed, it seems to me we ought to examine each item carefully and resolve the doubts in favor of the miner. Under this bill, however, no harm can be done to him. For that reason it seems to me we ought to approve the bill as given to us by the experts with relation to each one of these items, instead of amending it as suggested by the Senator.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Utah to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is upon the amendment as amended.

The amendment as amended was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HENDERSON. I move that the Senate request a conference with the House of Representatives upon the bill and amendment and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HENDERSON, Mr. WALSH, and Mr. POINDEXTER conferees on the part of the Senate.

MINIMUM WAGES IN THE DISTRICT OF COLUMBIA.

Mr. KENYON. I move that the Senate proceed to the consideration of House bill 12098.

Mr. SHAFROTH. Mr. President, I should like to have the title of the bill stated.

Mr. KENYON. The bill is what is known as the minimum-wage bill for the District of Columbia. It has passed the House and has been reported unanimously from the District of Columbia Committee of the Senate.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 12098.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12098) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum-wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.

The bill was reported to the Senate without amendment.

Mr. KING. Mr. President, I move that the Senate adjourn.

Mr. MARTIN. Mr. President, I hope the Senator will withdraw that motion. We ought to have an executive session. There are five or six hundred nominations here. They are routine, but they ought to be disposed of.

Mr. FLETCHER. There is a bill here also from the Commerce Committee that has no opposition. It has been recommended by the department. It is in pursuance of a convention that has been entered into.

The PRESIDING OFFICER. Does the Senator from Utah withdraw his motion?

Mr. KING. I will withhold it for a moment.

Mr. MARTIN. I want to have an executive session.

Mr. JONES of Washington. Mr. President, I want to suggest to the Senator that this bill has passed the House. It has been considered twice by the Senate Committee on the District of Columbia. That is, the Senate committee reported a Senate bill that is almost identical with this. I think about the only change is that in the Senate bill we provided for compensation to the board of \$5 a day for actual services, and expenses. That was left out of the House bill when the Senate committee reported it, and that is substantially the only difference between the two bills.

Mr. KING. Let me say to the Senator that there are one or two Senators, I know, who were speaking about some amendments. I have no objection to the bill being made the unfinished business, and I think we can pass it very quickly when we convene again.

Mr. JONES of Washington. I suggest that the bill has gotten out of the Committee of the Whole and is now in the Senate.

Mr. KING. I did not understand that.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. MARTIN. Mr. President, as there seems to be some opposition to the bill and there are very few Senators present, I suggest that it be temporarily laid aside, without losing its place as the unfinished business. The Senator from Florida [Mr. FLETCHER] has an uncontested matter, which probably can be disposed of in a very few minutes. If that is agreeable to the Senator in charge of the bill, it will facilitate the business of the Senate.

Mr. KENYON. Mr. President, I will say that I made the motion in the absence of the Senator from Florida [Mr. TRAMMELL], who is in charge of the bill and who is here now. He and I are deeply interested in the bill. If it is satisfactory to him that it be temporarily laid aside and not lose its place as the unfinished business and not lose its present place on the calendar, I have no objection.

Mr. TRAMMELL. Mr. President, under the circumstances that will be agreeable, with the understanding that the bill is not to lose its position as the unfinished business, but is merely temporarily laid aside.

The PRESIDING OFFICER. The Senator from Florida and the Senator from Iowa ask unanimous consent that the bill may be temporarily laid aside and made the unfinished business. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. I withdraw my motion, Mr. President.

PROTECTION OF TRADE-MARKS.

Mr. FLETCHER. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 4889.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4889) to give effect to certain provisions of the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Commissioner of Patents shall keep a register of all marks communicated to him by the international bureaus provided for by the convention for the protection of trade-marks and commercial names, made and signed in the city of Buenos Aires in the Argentine Republic, August 20, 1910, in connection with which the fee of \$50 gold for the international registration established by Article II of that convention has been paid, which register shall show a facsimile of the mark; the name and residence of the registrant; the number, date, and place of the first registration of the mark, including the date on which application for such registration was filed and the term of such registration, a list of goods to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark.

SEC. 2. That whenever any person shall deem himself injured by the inclusion of a trade-mark on this register, he may at any time apply to the Commissioner of Patents to cancel the registration thereof. The commissioner shall refer such application to the examiner in charge of interferences, who is empowered to hear and determine this question, and who shall give notice thereof to the registrant. If it appear after a hearing before the examiner that the registrant was not entitled to the exclusive use of the mark at or since the date of his application for registration thereof, or that the mark is not used by the registrant, or has been abandoned, and the examiner shall so decide, the commissioner shall cancel the registration. Appeal may be taken to the commissioner in person from the decision of the examiner in charge of interferences.

SEC. 3. That any person who shall willfully and with intent to deceive, affix, apply, or annex, or use in connection with any article or articles of merchandise, or any container or containers of the same, a false designation of origin, including words or other symbols, tending to falsely identify the origin of the merchandise, and shall then cause such merchandise to enter into interstate or foreign commerce, and any person who shall knowingly transport such merchandise or cause or procure the same to be transported in interstate or foreign commerce or commerce with Indian tribes, or shall knowingly deliver the same to any carrier to be so transported, shall be liable to an action at law for damages and to an action in equity for an injunction, at the suit of any person, firm, or corporation doing business in the locality falsely indicated as that of origin, or in the region in which said locality is situated, or at the suit of any association of such persons, firms, or corporations.

SEC. 4. Any person who shall without the consent of the owner thereof reproduce, counterfeit, copy, or colorably imitate any trade-mark on the register provided by this act, and shall affix the same to merchandise of substantially the same descriptive properties as those set forth in the registration, or to labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of merchandise of substantially the same descriptive properties as those set forth in such registration, and shall use, or shall have used, such reproduction, counterfeit, copy, or colorable imitation in commerce among the several States, or with a foreign nation, or with the Indian tribes, shall be liable to an action for damages therefor at the suit of the owner thereof; and whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment therefor for any sum above the amount found by the verdict as the actual damages, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

SEC. 5. That it shall be the duty of a registrant under this act to comply with the law of the country in which his original registration took place, in respect to giving notice to the public that the trade-mark is registered, in connection with the use of such trade-mark in the United States of America, and in any suit for infringement by a party failing to do this, no damages shall be recovered, except on proof that the defendant was duly notified of the infringement and continued the same after such notice.

SEC. 6. That the provisions of sections 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 29 of the act, approved February 20, 1905, entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States, or with Indian tribes, and to protect the same," as amended to date, are hereby made applicable to marks placed on the register provided for by section 1 of this act.

SEC. 7. That written or printed copies of any records, books, papers, or drawings belonging to the Patent Office and relating to trade-marks placed on the register provided for by this act, when authenticated by the seal of the Patent Office and certified by the commissioner thereof, shall be evidence in all cases wherein the originals could be evidence, and any person making application therefor and paying the fee required by law shall have certified copies thereof.

SEC. 8. That the same fees shall be required for certified and uncertified copies of papers and for records, transfers, and other papers, under this act, as are required by law for such copies of patents and for recording assignments and other papers relating to patents.

On filing an appeal to the Commissioner of Patents from the decision of the examiner in charge of interferences, awarding ownership of a trade-mark, canceling or refusing to cancel the registration of a trade-mark, a fee of \$15 shall be payable.

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

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with this bill, a communication from the Acting Secretary of the Treasury, which explains the purpose of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears none.

The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 2, 1918.

MY DEAR SENATOR FLETCHER: I learn with much pleasure of the introduction of a bill seeking to execute the convention concerning trade-marks signed at Buenos Aires on August 20, 1910, and ratified by the United States in the following session of Congress. The fundamental principle of the protection of prior use rather than of mere formal priority of registration is assured to the merchants and manufacturers of those Republics of America that have ratified this convention. It is to be hoped that in a relatively short time all the Republics will have so acted; to date the convention has been ratified by the United States, Cuba, Dominican Republic, Guatemala, Honduras, Nicaragua, Panama, Costa Rica, Brazil, Ecuador, Paraguay, and Bolivia.

After a number of attempts, the American Republics arrived at a simple but effective statement of this principle in the convention adopted in 1910. The convention provides for two international trade-mark registration bureaus—one at Habana, which will receive applications for registration from the countries of North and Central America and the West Indies, and one at Rio de Janeiro, which will receive applications for registration from the countries of South America. The two bureaus are intended to exchange each week statements of the applications received and the registrations granted. The regulations concerning the procedure of application and registration will be prepared by two international bureaus with due care and after consultation with the trade-mark registration authorities of the participating countries.

After waiting several years, and in part I think we may fairly say, as a result of the deep interest in the protection of industrial and literary property taken by the International High Commission at its meeting in Buenos Aires in April, 1916, enough ratifications were secured in the northern group of countries to make possible the inauguration of the bureau destined to serve that group. His Excellency the President of Cuba, upon receiving official notice of this fact, was able in December last to establish the International Trade-mark Registration Bureau at Habana, appointing a well-known and competent trade-mark authority of Cuba as the first director general. In the time that has elapsed since his appointment, Dr. Mario Díaz Irizar, Director General of the Bureau, has vigorously taken steps to be in a position at a very early date to receive applications for registration. The bureau may now count upon a generous appropriation toward its initial expenses made by the Cuban Congress, and, what is more noteworthy, an ample appropriation for the erection of a permanent building upon a site donated by the Cuban Government. The respective quotas of the other countries of the northern group which have ratified the convention for the first year of the operation of the bureau can be readily settled as soon as Dr. Mario Díaz Irizar comes to Washington to consult the Department of State and the Patent Office.

The legislation, the enactment of which is now thought necessary, will enable the Commissioner of Patents fully to carry out the convention in the spirit in which it was formulated at the fourth international conference of American States, in Buenos Aires, in 1910. The power of preliminary examination is essential if the Patent Office is to have the right to refuse to grant registration (so far as the United States is concerned) of trade-marks registered in the International Bureau; while provision is necessary for civil suits to prevent the use of false designations of origin, as well as for broader powers of cancellation of registration. The enactment of legislation of the character suggested—the result of long and careful study on the part of technical authorities in this special field—will enable the United States quickly to put into effect so far as depends upon the Government the provisions of the convention of 1910 and thus directly to promote the successful operation of the Habana bureau, in turn stimulating the further ratification of the convention by enough countries of South America to make possible the opening of the bureau at Rio de Janeiro. With that final step the protection of trade-marks and commercial names throughout this hemisphere will be put upon an enduring and effective basis.

I trust, my dear Senator FLETCHER, that your committee will consider this matter favorably, and I beg to remain,

Very sincerely, yours,

L. S. ROWE,
Acting Secretary of the Treasury, and
Secretary General of the International High Commission.
Hon. DUNCAN U. FLETCHER,
United States Senate, Washington.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT UNTIL FRIDAY.

Mr. MARTIN. I move that the Senate adjourn until Friday at 12 o'clock.

The motion was agreed to; and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until Friday, September 13, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 11, 1918.

TARIFF COMMISSION.

Edward P. Costigan, of Colorado, to be a member of the United States Tariff Commission, his present term having expired September 8, 1918.

ASSISTANT ATTORNEY GENERAL.

Claude R. Porter, of Centerville, Iowa, to be Assistant Attorney General, vice William C. Fitts, resigned.

SUPREME COURT OF HAWAII.

William S. Edings, of Honolulu, Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii, vice Ralph P. Quarles, whose term has expired.

John T. De Bolt, of Honolulu, Hawaii, to be second judge, first circuit, Territory of Hawaii, vice William S. Edings, nominated to be associate justice, Supreme Court of Hawaii.

UNITED STATES MARSHAL.

John F. Short, of Clearfield, Pa., to be United States marshal, western district of Pennsylvania, vice Joseph Howley, whose term has expired.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY.

To be captains with rank from July 16, 1918.

First Lieut. Daniel M. Cheston, jr. (subject to examination required by law).

First Lieut. Kirke B. Everson (subject to examination required by law).

To be captains with rank from July 19, 1918.

First Lieut. John C. Daly.

First Lieut. Paul E. Peabody.

First Lieut. Albert F. Christie (subject to examination required by law).

To be captains with rank from July 20, 1918.

First Lieut. William S. Maxwell (subject to examination required by law).

First Lieut. Ernest H. Burt (subject to examination required by law).

First Lieut. Ray M. O'Day (subject to examination required by law).

First Lieut. Alan Pendleton (subject to examination required by law).

First Lieut. Merritt E. Olmstead (subject to examination required by law).

To be captains with rank from July 21, 1918.

First Lieut. Benjamin F. Caffey, jr.

First Lieut. Hadyn P. Mayers (subject to examination required by law).

To be captain with rank from July 22, 1918.

First Lieut. Rogers M. Wilson (subject to examination required by law).

To be captain with rank from July 23, 1918.

First Lieut. Albin K. Kupfer (subject to examination required by law).

To be first lieutenant with rank from May 21, 1918.

Second Lieut. William E. Bergin.

To be first lieutenant with rank from May 22, 1918.

Second Lieut. John O. Crose.

To be first lieutenant with rank from May 26, 1918.

Second Lieut. Samuel R. Epperson.

To be first lieutenant with rank from May 29, 1918.

Second Lieut. Leslie F. Tanner.

To be first lieutenant with rank from June 4, 1918.

Second Lieut. Frederick L. Bramlette.

To be first lieutenant with rank from June 5, 1918.

Second Lieut. Benjamin W. Venable.

To be first lieutenant with rank from June 7, 1918.

Second Lieut. Myron E. Bagley.

To be first lieutenant with rank from June 13, 1918.

Second Lieut. John L. Murphy.

To be first lieutenants with rank from June 21, 1918.

Second Lieut. John W. Freels.

Second Lieut. Eugene M. Gillespie.

To be first lieutenants with rank from July 16, 1918.

Second Lieut. George W. Setzer, jr.
 Second Lieut. James B. Mudge.
 Second Lieut. Earl L. R. Askam.
 Second Lieut. Irvin L. Swanson.
 Second Lieut. Phillip D. Richmond.
 Second Lieut. William W. Timmis.

To be first lieutenants with rank from July 19, 1918.

Second Lieut. Gayle McFadden.
 Second Lieut. Burt E. Skeel.
 Second Lieut. Henry Brickley.
 Second Lieut. Thomas P. Barry, jr.
 Second Lieut. Roger Wisner.
 Second Lieut. Merrill V. Reed.

To be first lieutenants with rank from July 20, 1918.

Second Lieut. A. Pledger Sullivan.
 Second Lieut. Douglas O. Langstaff.
 Second Lieut. Ralph W. Hickey.
 Second Lieut. George K. Page.
 Second Lieut. Thomas L. Reese.
 Second Lieut. William B. Yancey.

To be first lieutenants with rank from July 21, 1918.

Second Lieut. Leo J. McCarthy.
 Second Lieut. Griffin D. Vance.
 Second Lieut. Earl Franklin Paynter.

To be first lieutenant with rank from July 22, 1918.

Second Lieut. Joseph M. O'Grady.

To be first lieutenant with rank from July 23, 1918.

Second Lieut. Clifford R. Wright.

To be first lieutenant with rank from July 26, 1918.

Second Lieut. Donald McG. Marshman.

To be first lieutenant with rank from July 27, 1918.

Second Lieut. John S. Coleman.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

FIELD ARTILLERY ARM.

Capt. John W. Rafferty, retired, to the grade of captain in the Field Artillery with rank from May 15, 1917.

APPOINTMENTS AND PROMOTIONS IN NAVY.

The following ensigns of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 18th day of September, 1918:

Frederick Brunton Philbrick,
 George Daniel Old, jr.,
 Charles Francis Hemenway.
 Charles Melcher Butterworth, jr.,
 Kenneth Cartwright,
 Oliver Cromwell Morse, jr.,
 George Goddard Barclay,
 Harlan Haviland Grover,
 Leland Probasco Laning,
 Emil Peter Schlichtmann,
 Herbert Vinton Hotchkiss,
 Thomas Spicer Elchelberger,
 Paul Renshaw,
 Randolph Ingersoll,
 Walter Jacob Wolf,
 Donald Robb Cochran,
 Wallace Henry Huelster,
 Carol Willard Wright,
 Alfred Williams Anthony, jr.,
 Arthur Littleton,
 Merwin Ryan Irish,
 Donald George Sherwin,
 Glen Ray Bedenkapp,
 William Storrs Hoyt Hamilton,
 Gilbert Shulman,
 James Russell Willison,
 Charles Seffens Dodge,
 Ralph Louis Wetzell,
 Charles Alfred McNeill,
 Augustus Victor Saph,
 John Barrett Emmert,
 Ralph Sadler,
 Donald Drought Dewart,
 Lewis Ross Madison,
 Arthur Henry Christian,
 James Sheldon Butler,
 Clarence Alexander Wray, jr.,
 Cedric Erroll Crawford,
 Frederic Sykes Rosenheim,

Courtney Lee Moore,
 Charles Wyatt Williams,
 Raymond Corbin Hunt,
 Oscar Rodney Doerr,
 Earle Adair Crellin,
 Albert Lorch.
 Frederic Bliss Read,
 Arthur De Witt Alexander,
 Edson W. Forker,
 John Hinton Lopez,
 William Raymond Yorkey,
 Andrew Carnegie,
 DeForest Loys Trautman,
 Harry Brandenburg,
 Patrick Brett O'Sullivan,
 Robert Sanford Cornish,
 Arthur Edward Raynor,
 John William Lane,
 Winthrop Drew Ford,
 Edwin Ray Hardie,
 John Parsons Campbell,
 Rudolph Lorenz Weber,
 Clay Brawn Eddy,
 Harold Raymond Fleck,
 Adolph Andrew Gazda,
 John Lewis Taylor,
 Hiram Liggett Gray,
 Junius Parker Fishburn,
 William Barclay Kerr,
 Joseph George Enzensperger, jr.,
 Henry Peter Dockstader,
 Robert Corey Deale,
 Albert Percival Cushman,
 Howard Arthur Stevenson,
 Albert Henley Sturgess,
 Neville Levy,
 Mortemir Charles Simons,
 Fordham Clark Russell,
 Eugene Nicholas Ehrhart,
 Halsey Emery Crosby,
 Robert Ferdinand Angel Benson,
 Roy Brodhead Meredith,
 Malin Thomas Langstroth,
 Joseph Henry Davis,
 James Howe Colton,
 Harold Irving MacKen,
 Ernest Watts Summers,
 Elden Ivan Staples,
 Robert Dallas McManigal, jr.,
 Harry Heckman Brakeley,
 Meyer Goldfarb,
 Dean Benjamin Webster,
 William Reveille Feller,
 Ephraim Herriott Lewis,
 Rae Crampton Nichols,
 Harold Kilpatrick Patterson,
 Chester Williams Peterson,
 Wilburn Patrick Hughes,
 John Waldrip Kelliher,
 William Joseph Haley,
 Harold Stebbins Davis,
 Edgar Douglas Wunder,
 Lawrence Talbert Thomas,
 Harry Curby Jamerson,
 William Harold Van Wart,
 Caleb Rawn Crandall,
 Earle Barclay Earhart,
 Herbert Anthony Lassen,
 Harold Edmund Walter,
 John Callan,
 David Le Fevre Dodd,
 George Allan Burchell,
 Walter Edward Andrews,
 William Carrothers Landis,
 Jean Edward Witbeck,
 Elisha Barclay Powell, jr.,
 William Ernest Batty,
 Lawrence Irving Scott,
 Julian Tully Lett,
 Wellington Sidney Morse,
 Starr Lewis Bruce,
 Carl Frederick Lindstol,
 Ernest Carroll Morgan,
 Frank Everett Kennedy,
 Harry West Hirshheimer,

Alexander Salley Herbert,
Hobart Bigelow Emerson,
Earl Gilbert Martin,
Arthur Howard Daniels,
Donald Jacob Brightman,
Talbot Jones Taylor, jr.,
John Perry Sturges,
Robert Pierson Dodds,
Arthur Wallace Johnson,
Joseph Damian Ceader,
James Earl Arnold,
Palmer Scott Mock,
Henry Earle Knowlton,
Lowry Talman Gardner, 2d,
Frank Van Inwagen,
Harold Francis Reed,
Edwin Westerman Holden,
Adam Andrew Sutcliffe,
Dean Weigand Taylor,
Milton Edward Earle,
Francis Fowler McKinney,
Siegel Wright Judd,
Harrison Braxton Smith,
George Robert McNally,
Orlando Joseph Olgiate,
Robert Jacob Mailhouse,
Harry Herbert Rawson Spofford,
Harold Jay Schaetzle,
Hugh Richard Partridge,
John Lewis Matthews,
Conrad Seymour Ham,
William Cheesborough Holmes,
Walter Bayard Holder,
Harold Osborne Johnson,
Edwin George Metcalf,
Samuel James Burris, jr.,
Fletcher Holland Dutton,
Linn Dow Shipman,
Roger Hunt Blake,
William Clifford Chapman,
Donald Hudson Frew,
Clifton Marvin McAfee,
Arthur Charles Dunn,
Alfred Selman Garrison,
Leon Henry Snyder,
Alex William MacNichol,
David Milton Yoder,
Richard Webster Hubbard,
Daniel Henry Else,
Adolph Gottlob Ruff,
Henry Rapelyea Lake,
Curtis Eugene Chillingworth,
Joseph Ernest Hanahan,
Carl Spencer Couchman,
Wallace Irving Atherton,
Arthur Hamilton Adams,
Lester Thurston Forbes,
Harold Reed Preston,
John Adam Robinson,
Wallace Burdett Curtis,
John Reames LeVally,
Anthony Francis Soukup,
Richard Arthur Whitney,
Jesse Silverman,
Everett Francis King,
Loring Paul Jones,
Paul Stanley Harmon,
Olin Winthrop Blackett,
Wallace Rhodes Chandler,
John Willard Buttrick,
Raymond Earl Farnsworth,
Roland Stoddard Bailey,
Ralph Sargent,
Frederick Spruance Bailey,
James Monroe Buchanan,
Charles Howe Westaby,
Halsey Boardman Horner,
John Ross Adams,
Frank Aloysius Mullen,
George Jesse Hawk,
Raymond Henry Bowers,
William Henry Ryan, jr.,
Bernard Aloysius Sullivan,
William Drummond Gallier,
Allen Edmond McMahon,

Cleaveland Muir Hunt,
Edward Boyd Luckie,
William Vincent Lynch,
Reginald Crawford Ramsay,
John Goldsborough Easton,
Lewis Bonsall Beatty,
Iver Oscar Liljeros,
Lester August Krahe,
Franklin Malcolm Doolittle,
Philip Hope Weinberg,
Clarence Dunn Williams,
Frederic Grater Burk,
Ellsworth George Reynolds,
Harold Wilson Scott,
William Joseph Atwell,
Clinton Irvin Sprout,
Douglas Lannin Hooker,
Phillip Lane,
Walter Bowne, jr.,
John Richmond Alexander,
Robert Ingersoll Mayorga,
Paul Allison Thompson,
Christopher Avery Schellens,
James Edward Murphy,
Donald Randolph Lowry,
William Jeffery Shackelford,
John Benedict McGovern,
Edward Daniel Porges,
Harlow Bradley,
Burton Louis Barofsky,
Paul Dean Clyde,
John Winthrop Loman,
Adlai Stevenson Coble,
John Fishel Sprengel,
Arthur Russell Griffin,
Emerson Bigelow,
Roger Putnam Adair,
Tillman Frank Lynch,
John Jacob Atwater,
Benjamin Blanchard Williams,
George Richard Paradies,
Frederick McIntyre Scribner,
Robert Johnston Hare Powel, jr.,
Elliott Fielding Pettigrew,
Robert Kennedy Jefferies,
Ralph Joseph Crosby,
Harrison Alexander Jones,
Morris Henning Kleban,
William Kennell Paton,
Frank Edward White,
Harvey Thomas Collins,
Clarence Edward Murrell,
Herbert Vincent Nussey,
Lester Ware Preston,
Frederick Newton Whittemore,
Gardner Clinton Derry,
Lester Arthur Bill,
Harry Francis Parks,
Leroy Morgan McCluskey,
Leon Herbert Lavalley,
John Price Gaines,
Harrison Elmer Small,
Frank Howard Baxter,
Levi Porter Denny,
Newell Sloss Knight,
Sidney Otis Cowles,
Ellis Lehr Jenkinson,
Elmer Lincoln Deane,
John Fulton Grimm,
Dudley Kincade,
Howard Barker Lee,
William Poyntelle Downing,
Gerald Albert Lee,
Edward Alexander Magill,
Donald Esplen Robertson,
Edward Philip Bruch,
Robert Jackson Horne,
Robert Ellsmere Crowley,
Winfred Henry Stueve,
Gurth Williams,
Edwin Fiske Thrall,
Joseph Blanchard Carr,
Jay Frederick Roth,
Samuel Loftin Oliver,
William Schack,

George Clarence Lindeberg,
 John Thurston Roach,
 Carl Theodore Jacobson,
 Edwyn Tingey McHenry,
 Charles Stanley Allen,
 Ward Frank Higgins,
 Eugene Clifford Hawkins,
 John Walter Beatty, jr.,
 Erwin William Roemer,
 Edgar Maurer Anderson,
 James Cropsey Lott,
 Frederick Henry Stecher,
 John Manderson McDonald, jr.,
 Milton Kawin Arenberg,
 Joel Snow Fawcett,
 Lewis Fletcher Leventhal,
 George August Chatel,
 William Wallace Deal,
 Paul Francis Christopher,
 Leland Henry Chase,
 Sherrod Emerson Skinner,
 Hugh Lounsbury Hudson,
 Eldred Westwood Christie,
 Frank Maxson Hill,
 Richard Francis Prendergast,
 Charles Lee Cheetham,
 Harry Maclean Hood,
 Harrold Phillip Connelly,
 David Beatty, jr.,
 Alfred Charles Moysey,
 Wallace Shirley Wharton,
 Ralph Thomas Brengle,
 Harris Birdsill McIntyre,
 Curtis Harold Cutter,
 David Watts Tibbott,
 James Lewis Hinds,
 Rowland McKim Stover,
 Thornton Hamlin,
 Albert Zabriskie Skelding,
 Harry Nicholas Paradies,
 John Drummond Kennedy,
 William Lyle Weber,
 Alfred Martin Geis,
 Joseph Cohen,
 Roy Howard Cunningham,
 Arthur Gibbes Crafts,
 Clarence Ford Eddy,
 Rea Cambridge Newman,
 Robert Beahm Ryder,
 Hibbert Wallace Moss,
 John Little Burt,
 Henry Stanley Ackerman,
 Roy Victor Ahlstrom,
 Roy Alexander Craig,
 William Larimer Jones,
 Earl James Garey,
 Henry Kennedy Barwick, jr.,
 James Fulton McKillips,
 John Ernest Dingwell,
 Henry Victor Jacobson,
 George Fulton, jr.,
 Ransdell Matthews,
 William Thomas McCargo,
 William Mount Klein,
 Howard Waldo Kitson,
 Thomas Marshall Duff,
 Albert Bisbee Bennett,
 Donald Francis Wilson,
 Wilbur Clyde Dyer,
 Eli Burton Parsons,
 Frederick Rowe Avery,
 Eddy Earle Ellwood,
 Harry Roberts Eaton,
 John Gardner Coffin,
 Harry Francis Ogden,
 Czar James Dyer,
 Joseph Beaudette,
 Jacob William Stirzel,
 Frank Eggert,
 Robert Cleeland,
 Ansley "J." Strom,
 William Lee Dickson, jr.,
 Jesse Samuel Blumenthal,
 Leo Aloysius Redmond,

Norman Ellwood Millar,
 Edward Andrew Elsele,
 Russell Eliot Vanderbilt,
 Arthur Hill Gilbert,
 Walter Valentine Fackler,
 Winston Rogers Wheatly,
 Richard Buckminster Fuller,
 Leslie Edward Gehres,
 John Gordon Clark,
 Ralph Leon Chisholm,
 Edmund Louis Cook,
 George Carlton Rohrs,
 Robert Louis Gill,
 Louis Sebastian Walsh,
 Ralph Atlee Light,
 Charles Leroy Northridge,
 Marshall Charles Doolittle,
 James Hadley Hatch,
 John Lawrence Flynn,
 William Thomas Rutherford,
 Leon Earland Robinson,
 James Thomas Wrightson,
 Fred Eugene Kyle,
 Warren Sadler Moore,
 Ronald Walter Hunt,
 Gerald Decker McKeever,
 Kier Charles Ferguson,
 Robert Fulton Gifford,
 Arthur Otto Spierling,
 Camillo Frederick Jacobsmeyer,
 Charles Henry Eglee, jr.,
 Charles Walter Scribner,
 Alwyn Charles Litsinger,
 Walter Hershey Sheffield,
 Wendell Thomas Applebee,
 John Hunter Lelesne,
 Perry Roberts Green,
 Thomas Holland Hunter,
 Weston Whittemore Hill,
 Max Von Shrader,
 Louis Lee Burden,
 Charles Gilbert Reynolds,
 Raymond Alfred Gore,
 Leonard Augustine Page,
 William Hector Mackay,
 Otto Kupfer, jr.,
 Willis Albert Kingsbury,
 Maurice Aiken Hall,
 John Morrell Foster,
 James Raymond Morton, jr.,
 Albert Walker Liddle,
 Irvin Kenneth Stevenson,
 James Benton Harvey,
 Jes Jessen Dall, jr.,
 John Adolph Mayer,
 William Bailey,
 Clarence Elmer Dimmitt,
 Aaron Mandel,
 Edward Joseph O'Toole,
 Harold William Kephart,
 Kenneth John Van House,
 Daniel Tompkins Duncan,
 Llewellyn Kempf Winans,
 Ward Frederick Joseph Odenwald,
 Milton Adolph Gethmann,
 Frederick Overand Wilson,
 Clarence Gold Wakeman,
 Carroll Ridgely Sanders,
 Gilbert Frank Metz,
 Otto Ernest Matter,
 Earle Gardner Brooks,
 Alan Hardy Townsend,
 Henry Arthur Shepherd,
 Gordon McSwain Lupo,
 James Dunlevy Bowman,
 William Stevens Howell,
 Arthur James Jacobs,
 Hugh Hayes Jones,
 Albert Tarrant Sibley,
 Samuel Judson Mealy,
 William Joseph Hudson,
 Allen Wilbur O'Connell,
 Henry Hueitt Roberts,
 Anthony Lockwood Arnold,

Thomas Edison Lake,
 Ralph Schofield Thompson,
 Harold Eugene Stimmerer,
 Ernest Knorr Henderson,
 Erle Heywood Bradley,
 Benjamin Lubie,
 Charles Edward Peterson,
 Stephen Cornell Huestis,
 Coe Austin Boardman,
 Albert Kendrick Rumsey,
 George Washington Riley,
 Charles William Marlow,
 Pendleton Scott Clark,
 Alexander Campbell Hooker,
 John Knox Duncan,
 Altus Potter Croucher,
 William Clifton Eubank,
 Selden Harold Oviatt,
 Walter Herman Barthel,
 Lloyd Champlin Eddy, jr.,
 Harold John Dunne,
 Kenney Albert Burgess,
 Benjamin Seaver Blanchard, jr.,
 Charles William Proctor,
 John Sanderson Salom,
 John Roy Brokenshire,
 Carl Shepard,
 Richard Francis Richardson,
 Martin John Jukich,
 John Daniel McCrea,
 John Joseph Cooney,
 Harold Blaine Summers,
 Roscoe Willard Babcock,
 John Kenneth Haviland,
 Richard David Davis,
 Lester Bryan West,
 David Weinstein,
 Howard Barry Porterfield,
 Frederick Silas Treat,
 Edmund Brewer Montgomery,
 William Harold Cree,
 Thomas Ambrose O'Connor,
 Harold Evan Richardson,
 Cecil Glenn Simpson,
 William Gould Gould,
 Ermin Douglas Baker,
 Elmer Jerome Tiernan,
 Isadore Chaplowe,
 Ned Hamilton Chase,
 Stanford Leonard Luce,
 Andrew Livingstone,
 Walter Wakefield Miller,
 Hugh Murray Kitchen,
 Whitney Wisner Miller,
 Albert Prettyman Short,
 Rowland Bowne Haines,
 Edward Martin Hope, jr.,
 John Battice Ford, jr.,
 Mark Wayne Thackaberry,
 David William Jones,
 George Oliver Johnston,
 David Lewis,
 Harold Ash Phillips,
 Joseph Benson Stevens,
 William Foster Whitlow,
 Ambrose George Osborn,
 Ernest Wolcott Bacon,
 Ralph Sylvester Maugham,
 Howard Barrington Sawtell,
 Howard Grover Wheaton,
 Ellis Stanford Sharp,
 Carl Clayton Chandler,
 James Abram Lewis,
 William Gordon Reed,
 Francis Gregory Minor,
 Clinton Lindren Nelson,
 Arthur Fenwick Morash,
 Wilbur Martland McKay,
 Howard William Neely,
 Franklin Holmes Swift,
 William Oakley Van Blarcom, jr.,
 Edward Raymond Powell,
 Julius Carl Kinsky,
 Carl Richard Brick,
 Lester James Calender,

Lawrence Kirk Beaver,
 Robert Huntley Edgerton,
 Robert Hamilton Persons,
 Benjamin Swallow Brown,
 Lewis Harry Clemmer Johnson,
 John Jay Bradley,
 Solomon Thomas Sutton,
 Howard Eldred Morse,
 Henry Allen Lincoln,
 William Weber,
 John Orla Jenkins,
 Earle Carpenter Peterson,
 Horace Douglas Secor,
 Franklin Reinhardt Uhlig,
 Edward Raymond Legg,
 Milton Pendleton Hall,
 Benjamin Harry Corning,
 Francis Edgar Matthews,
 John Joseph Leo Manning,
 Joseph William McColl,
 Daniel Gerald O'Connor,
 James William Shipman,
 Richard Joseph Mackey,
 Lawrence Ascraft Rice,
 Mortimer Bybee Carraher,
 Henry Skinner Baldwin,
 Leo Vincent Harrison,
 Carlton Morhous Hammond,
 Dudley Boynton Coe,
 Richard Warner Clarke,
 Aiden Church Goodnow,
 William Parker Angle,
 John Alden Loring,
 Edmund Gilbert Joseph Dale,
 William Porter Durkee,
 Leonard Beekman,
 Edwin Stewart Underhill, jr.,
 Harold Dwight Scott,
 Hugh Ross Mack,
 Donald Graham Davis,
 Donald Luey,
 John Conklin Conger,
 Lewis Preston Harris,
 Charles Patrick Moriarty,
 Christopher Peter Schlachter,
 William Francis Burton,
 Mark Randall Thompson,
 Daniel Howard Kane,
 Myron Griffin Tucker,
 Leo Bernard McNulty,
 Charles Cameron Beck,
 Irving Sinclair Blunt,
 Henry Meyer Robinson,
 Joseph Price, jr.,
 Gale Douglas Wheeler,
 Paul Longstreth Hughes,
 Luther Christopher Henry Belghey,
 William Dudley Digges Morgan,
 Warren Marsh Toomey,
 Karl Lester Sneath,
 Christian Wolff Seward Slagle,
 Louis Franklin Edelman,
 Roy Chapin Mould,
 Russell Newton Copeland,
 William Joseph O'Hara,
 James Allyn Pentz,
 Henry Anson Bates,
 Willis Carl Doane,
 Fred Orlando Cullar,
 Raymond Edwin Daniels,
 Charles John Naumilket,
 George Lawrence Hart,
 Carl Axel Soderstrom,
 Stanley Nelson Minor,
 John Lester Koch,
 Jonathan Woodnutt Acton,
 Allyn Ward Maxwell,
 Jesse Earl Schelling,
 Armour McKibben Willson,
 Leslie Thompson McKinnon,
 Gerry White Cox,
 George Clarence Wrentmore,
 Ervin Chester Latta,
 Reginald Gustavus Seger,
 Frank Raymond Strayer,

Leonard Patrick Kane,
Raymond Francis Tillman,
Elie Augustus Frederick LaVallette,
Harrison Cassel Pugh,
Henry Clay Hunt,
James Kenneth Eisaman,
Cleophas George Harris,
Asher Atkinson Howell,
George Wood Merritt,
William Henry Jones,
Lawrence Cornelius McEnerney,
Carroll Ross Stearns,
John Pierce Bretherton, and
Ellwood Lorenzo Houtz.

Second Lieut. David L. Ford to be a second lieutenant in the Marine Corps, for temporary service, from the 13th day of August, 1918.

Second Lieut. Josephus Daniels, jr., to be a second lieutenant in the Marine Corps, for temporary service, from the 13th day of August, 1918.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 14th day of August, 1918:

David L. Ford and
Josephus Daniels, jr.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 11, 1918.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following ensigns of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service:

Frederick Brueton Philbrick,
George Daniel Olds, jr.,
Charles Francis Hemenway,
Charles Meleher Butterworth, jr.,
Kenneth Cartwright,
Oliver Cromwell Morse, jr.,
George Goddard Barclay,
Harlan Haviland Grover,
Leland Probasco Laning,
Emil Peter Schlichtmann,
Herbert Vinton Hotchkiss,
Thomas Spicer Eichelberger,
Paul Renshaw,
Randolph Ingersoll,
Walter Jacob Wolf,
Donald Robb Cochran,
Wallace Henry Huelster,
Carol Willard Wright,
Alfred Williams Anthony, jr.,
Arthur Littleton,
Merwin Ryan Irish,
Donald George Sherwin,
Glen Ray Bedenkapp,
William Storrs Hoyt Hamilton,
Gilbert Shulman,
James Russell Willison,
Charles Seffens Dodge,
Ralph Louis Wetzel,
Charles Alfred McNeill,
Augustus Victor Saph,
John Barrett Emmert,
Ralph Sadler,
Donald Drought Dewart,
Lewis Ross Madison,
Arthur Henry Christian,
James Sheldon Butler,
Clarence Alexander Wray, jr.,
Cedric Erroll Crawford,
Frederic Sykes Rosenheim,
Courtney Lee Moore,
Charles Wyatt Williams,
Raymond Corbin Hunt,
Oscar Rodney Doerr,
Earle Adair Crellin,
Albert Lorch,
Frederic Bliss Read,
Arthur De Witt Alexander,
Edson W. Forker,
John Hinton Lopez,
William Raymond Yorkey,
Andrew Carnegie,
DeForest Loys Trautman,

Harry Brandenburg,
Patrick Brett O'Sullivan,
Robert Sanford Cornish,
Arthur Edward Raynor,
John William Lane,
Winthrop Drew Ford,
Edwin Ray Hardie,
John Parsons Campbell,
Rudolph Lorenz Weber,
Clay Brawn Eddy,
Harold Raymond Fleck,
Adolph Andrew Gazda,
John Lewis Taylor,
Hiram Liggett Gray,
Junius Parker Fishburn,
William Barclay Kerr,
Joseph George Enzensperger, jr.,
Henry Peter Dockstader,
Robert Corey Deale,
Albert Percival Cushman,
Howard Arthur Stevenson,
Albert Henley Sturgess,
Neville Levy,
Mortemir Charles Simons,
Fordham Clark Russell,
Eugene Nicholas Ehrhart,
Halsey Emery Crosby,
Robert Ferdinand Angel Benson,
Roy Brodhead Meredith,
Malin Thomas Langstroth,
Joseph Henry Davis,
James Howe Colton,
Harold Irving MacKen,
Ernest Watts Summers,
Elden Ivan Staples,
Robert Dallas McManigal, jr.,
Harry Heckman Brakeley,
Meyer Goldfarb,
Dean Benjamin Webster,
William Reveille Feilor,
Ephraim Herriott Lewis,
Rae Crampton Nichols,
Harold Kilpatrick Patterson,
Chester Williams Peterson,
Wilburn Patrick Hughes,
John Waldrip Kelliher,
William Joseph Haley,
Harold Stebbins Davis,
Edgar Douglas Wunder,
Lawrence Talbert Thomas,
Harry Curby Jamerson,
William Harold Van Wart,
Caleb Raum Crandall,
Earle Barclay Earhart,
Herbert Anthony Lassen,
Harold Edmund Walter,
John Callan,
David Le Fevre Dodd,
George Allan Burchell,
Walter Edward Andrews,
William Carrothers Landis,
Joan Edward Witbeck,
Elisha Barclay Powell, jr.,
William Ernest Batty,
Lawrence Irving Scott,
Julian Tully Lett,
Wellington Sidney Morse,
Starr Lewis Bruce,
Carl Frederick Lindstol,
Ernest Carroll Morgan,
Frank Everett Kennedy,
Harry West Hirshheimer,
Alexander Salley Herbert,
Hobart Bigelow Emerson,
Earl Gilbert Martin,
Arthur Howard Daniels,
Donald Jacob Brightman,
Talbot Jones Taylor, jr.,
John Perry Sturges,
Robert Pierson Dodds,
Arthur Wallace Johnson,
Joseph Damian Coador,
James Earl Arnold,
Palmer Scott Mock,
Henry Earle Knowlton,

Lowry Talman Gardner, 2d,
 Frank Van Inwagen,
 Harold Francis Reed,
 Edwin Westerman Holden,
 Adam Andrew Sutcliffe,
 Dean Weigand Taylor,
 Milton Edward Earle,
 Francis Fowler McKinney,
 Siegel Wright Judd,
 Harrison Braxton Smith,
 George Robert McNally,
 Orlando Joseph Oigisti,
 Robert Jacob Mailhouse,
 Harry Herbert Rawson Spofford,
 Harold Jay Schaeztle,
 Hugh Richard Partridge,
 John Lewis Matthews,
 Conrad Seymour Ham,
 William Cheesborough Holmes,
 Walter Bayard Holder,
 Harold Osborne Johnson,
 Edwin George Metcalf,
 Samuel James Burris, jr.,
 Fletcher Holland Dutton,
 Linn Daw Shipman,
 Roger Hunt Blake,
 William Clifford Chapman,
 Donald Hudson Frew,
 Clifton Marvin McAfee,
 Arthur Charles Dunn,
 Alfred Selman Garrison,
 Leon Henry Snyder,
 Alex William MacNichol,
 David Milton Yoder,
 Richard Webster Hubbard,
 Daniel Henry Else,
 Adolph Gottlob Ruff,
 Henry Rapelyea Lake,
 Curtis Eugene Chillingworth,
 Joseph Ernest Hanshan,
 Carl Spencer Couchman,
 Wallace Irving Atherton,
 Arthur Hamilton Adams,
 Lester Thurston Forbes,
 Harold Reed Preston,
 John Adam Robinson,
 Wallace Burdett Curtis,
 John Reames Le Vally,
 Anthony Francis Soukup,
 Richard Arthur Whitney,
 Jesse Silverman,
 Everett Francis King,
 Loring Paul Jones,
 Paul Stanley Harmon,
 Olin Winthrop Blackett,
 Wallace Rhodes Chandler,
 John Willard Buttrick,
 Raymond Earl Farnsworth,
 Roland Stoddard Bailey,
 Ralph Sargent,
 Frederick Spruance Bailey,
 James Monroe Buchanan,
 Charles Howe Westaby,
 Halsey Boardman Horner,
 John Ross Adams,
 Frank Aloysius Mullen,
 George Jesse Hawk,
 Raymond Henry Bowers,
 William Henry Ryan, jr.,
 Bernard Aloysius Sullivan,
 William Drummond Gallier,
 Allen Edmond McMahon,
 Cleaveland Muir Hunt,
 Edward Boyd Luckie,
 William Vincent Lynch,
 Reginald Crawford Ramsay,
 John Goldsborough Easton,
 Lewis Bonsall Beatty,
 Iver Oscar Liljeros,
 Lester August Krahe,
 Franklin Malcolm Doolittle,
 Philip Hope Weinberg,
 Clarence Dunn Williams,
 Frederic Grater Burk,
 Ellsworth George Reynolds,

Harold Wilson Scott,
 William Joseph Atwell,
 Clinton Irvin Sprout,
 Douglas Lannin Hooker,
 Phillip Lane,
 Walter Bowne, jr.,
 John Richmond Alexander,
 Robert Ingersoll Mayorga,
 Paul Allison Thompson,
 Christopher Avery Schellens,
 James Edward Murphy,
 Donald Randolph Lowry,
 William Joffery Shackelford,
 John Benedict McGovern,
 Edward Daniel Forges,
 Harlow Bradley,
 Burton Louis Barofsky,
 Paul Dean Clyde,
 John Winthrop Loman,
 Adlai Stevenson Coble,
 John Fishel Sprengel,
 Arthur Russell Griffin,
 Emerson Bigelow,
 Roger Putnam Adair,
 Tillman Frank Lynch,
 John Jacob Atwater,
 Benjamin Blanchard Williams,
 George Richard Paradies,
 Frederick McIntyre Scribner,
 Robert Johnston Hare Powell, jr.,
 Elliott Fielding Pettigrew,
 Robert Kennedy Jefferies,
 Ralph Joseph Crosby,
 Harrison Alexander Jones,
 Morris Henning Kleben,
 William Kennell Paton,
 Frank Edward White,
 Harvey Thomas Collins,
 Clarence Edward Murrell,
 Herbert Vincent Nussey,
 Lester Ware Preston,
 Frederick Newton Whittemore,
 Gardner Clinton Derry,
 Lester Arthur Bill,
 Harry Francis Parks,
 Leroy Morgan McCluskey,
 Leon Herbert Lavalley,
 John Price Gaines,
 Harrison Elmer Small,
 Frank Howard Baxter,
 Levi Porter Denny,
 Newell Sloss Knight,
 Sidney Otis Cowles,
 Ellis Lehr Jenkinson,
 Elmer Lincoln Deane,
 John Fulton Grimm,
 Dudley Kincade,
 Howard Barker Lee,
 William Poyntelle Downing,
 Gerald Albert Lee,
 Edward Alexander Magill,
 Donald Esplen Robertson,
 Edward Philip Bruch,
 Robert Jackson Horne,
 Robert Ellsmere Crowley,
 Winfred Henry Stueve,
 Gurth Williams,
 Edwin Fiske Thrall,
 Joseph Blanchard Carr,
 Jay Frederick Roth,
 Samuel Loftin Oliver,
 William Schack,
 George Clarence Lindeberg,
 John Thurston Roach,
 Carl Theodore Jacobson,
 Edwyn Tingey McHenry,
 Charles Stanley Allen,
 Ward Frank Higgins,
 Eugene Clifford Hawkins,
 John Walter Beatty, jr.,
 Erwin William Roemer,
 Edgar Maurer Anderson,
 James Cropsey Lott,
 Frederick Henry Stecher,
 John Manderson McDonald, jr.,

Milton Kawin Arenberg,
 Joel Snow Fawcett,
 Lewis Fletcher Leventhal,
 George August Chatel,
 William Wallace Deal,
 Paul Francis Christopher,
 Leland Henry Chase,
 Sherrod Emerson Skinner,
 Hugh Lounsbury Hudson,
 Eldred Westwood Christie,
 Frank Maxson Hill,
 Richard Francis Prendergast,
 Charles Lee Cheetham,
 Harry Maclean Hood,
 Harold Philip Connelly,
 David Beaty, jr.,
 Alfred Charles Moysey,
 Wallace Shirley Wharton,
 Ralph Thomas Brengle,
 Harris Birdsill McIntyre,
 Curtis Harold Cutter,
 David Watts Tibbott,
 James Lewis Hinds,
 Rowland McKim Stover,
 Thornton Hamlin,
 Albert Zabriskie Skelding,
 Harry Nicholas Paradies,
 John Drummond Kennedy,
 William Lyle Weber,
 Alfred Martin Geis,
 Joseph Cohen,
 Roy Howard Cunningham,
 Arthur Gibbs Crafts,
 Clarence Ford Eddy,
 Rea Cambridge Newman,
 Robert Beahm Ryder,
 Hibbert Wallace Moss,
 John Little Burt,
 Henry Stanley Ackerman,
 Roy Victor Ahlstrom,
 Roy Alexander Craig,
 William Larimer Jones,
 Earl James Garey,
 Henry Kennedy Barwick, jr.,
 James Fulton McKillips,
 John Ernest Dingwell,
 Henry Victor Jacobson,
 George Fulton, jr.,
 Ransdell Matthews,
 William Thomas McCargo,
 William Mount Klein,
 Howard Waldo Kitson,
 Thomas Marshall Duff,
 Albert Bisbee Bennett,
 Donald Francis Wilson,
 Wilbur Clyde Dyer,
 Eli Burton Parsons,
 Frederick Rowe Avery,
 Eddy Earle Ellwood,
 Harry Roberts Eaton,
 John Gardner Coffin,
 Harry Francis Ogden,
 Czar James Dyer,
 Joseph Beaudette,
 Jacob William Stirzel,
 Frank Eggert,
 Robert Cleeland,
 Ansley "J" Strom,
 William Lee Dickson, jr.,
 Jesse Samuel Blumenthal,
 Lee Aloysius Redmond,
 Norman Ellwood Millar,
 Edward Andrew Eisele,
 Russell Elliot Vanderbilt,
 Arthur Hill Gilbert,
 Walter Valentine Fackler,
 Winston Rogers Wheatly,
 Richard Buckminster Fuller,
 Leslie Edward Gehres,
 John Gordon Clark,
 Ralph Leon Chisholm,
 Edmund Louis Cook,
 George Carlton Rohrs,
 Robert Louis Gill,

Louis Sebastian Walsh,
 Ralph Atlee Light,
 Charles Leroy Northridge,
 Marshall Charles Doolittle,
 James Hadley Hatch,
 John Lawrence Flynn,
 William Thomas Rutherford,
 Leon Earland Robinson,
 James Thomas Wrightson,
 Fred Eugene Kyle,
 Warren Sadler Moore,
 Ronald Walter Hunt,
 Gerald Decker McKeever,
 Kier Charles Ferguson,
 Robert Fulton Gifford,
 Arthur Otto Spierling,
 Camillo Frederick Jacobsmeier,
 Charles Henry Eglee, jr.,
 Charles Walter Scribner,
 Alwyn Charles Litsinger,
 Walter Hershey Sheffield,
 Wendell Thomas Applebee,
 John Hunter Lesesne,
 Perry Roberts Green,
 Thomas Holland Hunter,
 Weston Whittemore Hill,
 Max Von Schrader,
 Louis Lee Burden,
 Charles Gilbert Reynolds,
 Raymond Alfred Gore,
 Leonard Augustine Page,
 William Hector Mackay,
 Otto Kupfer, jr.,
 Willis Albert Kingsbury,
 Maurice Aiken Hall,
 John Morrell Foster,
 James Raymond Morton, jr.,
 Albert Walker Liddle,
 Irvin Kenneth Stevenson,
 James Benton Harvey,
 Jes Jessen Dall, jr.,
 John Adolph Mayer,
 William Bailey,
 Clarence Elmer Dimmitt,
 Aaron Mandel,
 Edward Joseph O'Toole,
 Harold William Kephart,
 Kenneth John Van House,
 Daniel Tompkins Duncan,
 Llewellyn Kempf Winans,
 Ward Frederick Joseph Odenwald,
 Milton Adolph Gethmann,
 Frederick Overand Wilson,
 Clarence Gold Wakeman,
 Carroll Ridgely Sanders,
 Gilbert Frank Metz,
 Otto Ernest Matter,
 Earle Gardner Brooks,
 Alan Hardy Townsend,
 Henry Arthur Shepherd,
 Gordon McSwain Lupo,
 James Dunlevy Bowman,
 William Stevens Howell,
 Arthur James Jacobs,
 Hugh Hayes Jones,
 Albert Tarrant Sibley,
 Samuel Judson Mealy,
 William Joseph Hudson,
 Allen Wilbur O'Connell,
 Henry Hueitt Roberts,
 Anthony Lockwood Arnold,
 Thomas Edison Lake,
 Ralph Schofield Thompson,
 Harold Eugene Simmerer,
 Ernest Knorr Henderson,
 Erie Heywood Bradley,
 Benjamin Lubic,
 Charles Edward Peterson,
 Stephen Cornell Huestis,
 Coe Austin Boardman,
 Albert Kendrick Rumsey,
 George Washington Riley,
 Charles William Marlow,
 Pendleton Scott Clark,

Alexander Campbell Hooker,
John Knox Duncan,
Altus Potter Croucher,
William Clifton Eubank,
Selden Harold Oviatt,
Walter Herman Barthel,
Lloyd Champlin Eddy, jr.,
Harold John Dunne,
Kenney Albert Burgess,
Benjamin Seaver Blanchard, jr.,
Charles William Proctor,
John Sanderson Salom,
John Roy Brokenshire,
Carl Shepard,
Richard Francis Richardson,
Martin John Jukich,
John Daniel McCrea,
John Joseph Cooney,
Harold Blaine Summers,
Roscoe Willard Babcock,
John Kenneth Haviland,
Richard David Davis,
Lester Bryan West,
David Weinstein,
Howard Barry Porterfield,
Frederick Silas Treat,
Edmund Brewer Montgomery,
William Harold Cree,
Thomas Ambrose O'Connor,
Harold Evan Richardson,
Cecil Glenn Simpson,
William Gould Gould,
Ermin Douglas Baker,
Elmer Jerome Tiernan,
Isadore Chaplowe,
Ned Hamilton Chase,
Stanford Leonard Luce,
Andrew Livingstone,
Walter Wakefield Miller,
Hugh Murray Kitchen,
Whitney Wisner Miller,
Albert Prettyman Short,
Rowland Bowne Haines,
Edward Martin Hope, jr.,
John Battice Ford, jr.,
Mark Wayne Thackaberry,
David William Jones,
George Oliver Johnston,
David Lewis,
Harold Ash Phillips,
Joseph Benson Stevens,
William Foster Whitlow,
Ambrose George Osborn,
Ernest Wolcott Bacon,
Ralph Sylvester Maugham,
Howard Barrington Sawtell,
Howard Grover Wheaton,
Ellis Stanford Sharp,
Carl Clayton Chandler,
James Abram Lewis,
William Gordon Reed,
Francis Gregory Minor,
Clinton Lindren Nelson,
Arthur Fenwick Morash,
Wilbur Martland McKay,
Howard William Neely,
Franklin Holmes Swift,
William Oakley Blarcom, jr.,
Edward Raymond Powell,
Julius Carl Kinsky,
Carl Richard Brick,
Lester James Calender,
Lawrence Kirk Beaver,
Robert Huntley Edgerton,
Robert Hamilton Persons,
Benjamin Swallow Brown,
Lewis Harry Clemmer Johnson,
John Jay Bradley,
Solomon Thomas Sutton,
Howard Eldred Morse,
Henry Allen Lincoln,
William Weber,
John Orla Jenkins,
Earle Carpenter Peterson,

Horace Douglas Secor,
Franklin Reinhardt Uhlig,
Edward Raymond Legg,
Milton Pendleton Hall,
Benjamin Harry Corning,
Francis Edgar Matthews,
John Joseph Lee Manning,
Joseph William McColl,
Daniel Gerald O'Connor,
James William Shipman,
Richard Joseph Mackey,
Lawrence Ascraft Rice,
Mortimer Bybee Carraher,
Henry Skinner Baldwin,
Lee Vincent Harrison,
Carlton Morhous Hammond,
Dudley Boynton Coe,
Richard Warner Clarke,
Alden Church Goodnow,
William Parker Angle,
John Alden Loring,
Edmund Gilbert Joseph Dale,
William Porter Durkee,
Leonard Beekman,
Edwin Stewart Underhill, jr.,
Harold Dwight Scott,
Hugh Ross Mack,
Donald Graham Davis,
Donald Luey,
John Conklin Conger,
Lewis Preston Harris,
Charles Patrick Moriarty,
Christopher Peter Schlachter,
William Francis Burton,
Mark Randall Thompson,
Daniel Howard Kane,
Myron Griffin Tucker,
Leo Bernard McNulty,
Charles Cameron Beck,
Irving Sinclair Blunt,
Henry Meyer Robinson,
Joseph Price, jr.,
Gale Douglas Wheeler,
Paul Longstreth Hughes,
Luther Christopher Henry Beighey,
William Dudley Digges Morgan,
Warren Marsh Toomey,
Karl Lester Sneath,
Christian Wolff Seward Slagle,
Louis Franklin Edelman,
Roy Chapin Mould,
Russell Newton Copeland,
William Joseph O'Hara,
James Allyn Pentz,
Henry Anson Bates,
Willis Carl Doane,
Fred Orlando Cullar,
Raymond Edwin Daniels,
Charles John Naumilket,
George Lawrence Hart,
Carl Axel Soderstrom,
Stanley Nelson Minor,
John Lester Koch,
Jonathan Woodnutt Acton,
Allyn Ward Maxwell,
Jesse Earl Schelling,
Armour McKibben Willson,
Leslie Thompson McKinnon,
Gerry White Cox,
George Clarence Wrentmore,
Ervin Chester Latta,
Reginald Gustavus Seger,
Frank Raymond Strayer,
Leonard Patrick Kane,
Raymond Francis Tillman,
Elie Augustus Frederick La Vallette,
Harrison Cassel Pugh,
Henry Clay Hunt,
James Kenneth Eisaman,
Cleophas George Harris,
Asher Atkinson Howell,
George Wood Merritt,
William Henry Jones,
Lawrence Cornelius McEnerney,

Carroll Ross Stearns;
John Pierce Bretherton, and
Ellwood Lorenzo Houtz.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service:

David L. Ford and
Josephus Daniels, jr.

Second Lieut. David L. Ford to be a second lieutenant in the Marine Corps, for temporary service.

Second Lieut. Josephus Daniels, jr., to be a second lieutenant in the Marine Corps, for temporary service.

POSTMASTERS.

SOUTH DAKOTA.

Frank Dennerly, McLaughlin.
Charles H. Peckham, Alexandria.
Patrick J. Donohue, Bonesteel.
Thomas McAllen, Bristol.
Lloyd L. Truesdell, Burke.
George C. H. Kostboth, Canastota.
Frank P. Gannaway, Chamberlain.
F. Boniface Boyle, Corsica.
Patrick Holland, Fort Pierre.
Sigurd E. Olsen, Frederick.
William S. Small, Gettysburg.
Harry Donovan, Hecla.
Charles S. Eastman, Hot Springs.
Nels C. Andrews, Irene.
Frank C. Fisher, Lead.
Frank Junge, Leola.
Matthew F. Ryan, Mobridge.
Charles P. Dahlen, Oldham.
Stephen Donahoe, Sioux Falls.
Albert P. Monell, Stickney.
William Galvin, Sturgis.
Ephraim W. Babb, Wakonda.
George W. Turley, Willow Lake.
Mathew F. Cummins, Wilmot.
Martin K. Nolan, Winner.
Mark M. Bennett, Yankton.
Marshall Coffman, Dallas.
Edward J. Engler, Ipswich.
Mary M. Cullen, Reliance.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, September 11, 1918.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. GARRETT of Tennessee].

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, we approach Thee in faith and reverence, praying for Thy sustaining grace and the light of Heaven to guide these Representatives of a great people; that they may be wise in their preparations to uphold and sustain our brave boys at the front; that every means shall be provided for the speedy prosecution of the war; that militarism and autocracy may be swept from the face of the earth; that democracy may advance to the good of all Thy children, in liberty, justice, righteousness; to the glory and honor of Thy Holy Name, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REVENUE LEGISLATION.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12863.

The question was taken.

Mr. DYER. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Missouri demands a division.

The House divided; and there were—ayes 42, noes none.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12863, the revenue bill, with Mr. SAUNDERS of Virginia in the Chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12863, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12863) to provide revenue, and for other purposes.

Mr. DYER. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. KITCHIN. I do.

Mr. DYER. I desire to ask the gentleman a question with reference to this bill. I, perhaps with a number of other Members, would like to know about the time the Committee of the Whole House on the state of the Union will take this bill up for reading under the five-minute rule—in other words, when general debate will cease. We want to be here. I know I myself and all Members would like to be here when this bill is taken up to be read. There is not much interest in general debate, it appears from the division just had, which shows there are some 40 Members present now, and I think that is about the average who have listened to the general debate, and I would like to get some idea as to when we will really start the consideration of this bill under the five-minute rule. I think the Members are entitled to that information, if it can be had.

Mr. KITCHIN. I think the gentleman is a bad counter; I think there are a good deal more than 40, maybe twice as many now.

Mr. DYER. I asked for a division, and the Chair counted.

Mr. KITCHIN. But a good many have come in since. I was in hopes we could finish general debate to-day, but it seems impossible, and I am pretty certain we will finish to-morrow and go into the consideration of the bill under the five-minute rule on Friday.

Mr. FORDNEY. I will say to the gentleman I have requests for six or seven hours under general debate on this side.

Mr. GILLET. I understood the committee would take to-day, at least.

Mr. KITCHIN. No; there is only one other gentleman on our side who desires considerable time, and several will want 20 or 30 minutes.

Mr. GILLET. The gentlemen on the committee ought to have an opportunity to discuss it.

Mr. KITCHIN. Not over three or four on our side on the committee will speak in all, and I think we can get through by 6 o'clock to-morrow; have all day to-day and all day to-morrow. I am not inclined myself, and I do not think any man on our side is, to shut off any debate. We believe it ought to be fully debated, but I hope to get through by to-morrow by adjournment. I now yield to the gentleman from Indiana [Mr. Dixon].

Mr. DIXON. Mr. Chairman, our country is now engaged in the greatest war in the history of the world.

To win this war is the fixed purpose of our Government. To help win it is the highest duty of every citizen.

Money is essential and necessary for the vigorous prosecution of the war to an early and successful termination.

The Secretary of the Treasury recommended and requested that \$8,000,000,000 in taxes be raised in this fiscal year for the partial payment of the expenses of the war and of the Government during said year.

This bill is the response by Congress to that recommendation. It will yield the full amount requested, and several millions in addition. The response is not a partial fulfillment of the request, but a complete compliance with it.

Every request for money by the Government has been promptly responded to; there has been neither hesitancy nor delay, and Congress will continue to furnish all that may be requested to make certain and complete the success of our cause and the victory of our forces.

This bill provides for raising over \$8,000,000,000 by taxation during this fiscal year ending June 30, 1919. The amount is enormous, but the expenses of war are great, and necessity demands the money. It is the largest tax bill ever presented to a legislative body in the history of the world, but we have a country richer in its resources and greater in its wealth than any other country. While there are no tax bills of other countries of such magnitude, so we have no other country with such resources and wealth. Our people are prepared to meet it and will pay the taxes gladly. They only ask that the taxes be equitably levied and the burden placed where they can be carried without too great an injury. Some of the taxes in this bill are large, very large, but it is believed that there is not a single American industry that can not pay the taxes and have sufficient money left to provide for extension of their business and pay good returns upon their invested capital.

Men should not expect or want to accumulate large fortunes or abnormal profits drawn from our people during this war. Men should not be allowed to profiteer, and the Government has not only the right but it is its duty to see that all profits above reasonable ones, based on equity and fairness, should either remain in the pockets of the people or be paid to the Government.