Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. CLAY], which I transfer to my colleague [Mr. CRANE], and I vote "yea." I think it proper to state that the Senator from Georgia informed me before he went away that on this vote he would vote "yea."

Mr. BACON. I was about to make the same announcement.

Mr. LODGE. And my colleague [Mr. CRANE] would also vote "yea," if he were present.

Mr. McLAURIN (when his name was called). I transfer my pair with the junior Senator from Michigan [Mr. SMITH] to the senior Senator from North Carolina [Mr. SIMMONS], and vote "yea."

The roll call was concluded.

Mr. CLAPP. A transfer having been arranged with my pair, I desire to vote. I vote "nay."

Mr. RAYNER. I desire to announce that my colleague [Mr. SMITH of Maryland] is detained at home by sickness in his family. He is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

The result was announced—yeas 59, nays 11, as follows:

YEAS—59.

Aldrich	Cullom	Gamble	Page
Bailey	Curtis	Guggenheim	Penrose
Bankhead	Daniel	Johnson, N. Dak.	Perkins
Bradley	Davis	Johnston, Ala.	Piles
Brandegee	Depew	Jones	Rayner
Briggs	Dick	Kean	Root
Brown	Dillingham	Lodge	Scott
Burkett	Dixon	Lorimer	Smoot
Burnham	du Pont	McCumber	Sutherland
Burrows	Elkins	McEnery	Taliaferro
Burton	Fletcher	McLaurin	Taylor
Carter	Flint	Martin	Warner
Clark, Wyo.	Foster	Money	Warren
Crawford	Frye	Nelson	Wetmore
Culberson	Gallinger	Newlands	

NAYS—11.

Borah	Chamberlain	Dolliver	La Follette
Bristow	Clapp	Heyburn	Shively
Bulkeley	Cummins	Hughes	

NOT VOTING—22.

Bacon	Frazier	Owen	Smith, S. C.
Beveridge	Gore	Paynter	Stephenson
Bourne	Hale	Richardson	Stone
Clarke, Ark.	Nixon	Simmons	Tillman
Clay	Oliver	Smith, Md.	
Crane	Overman	Smith, Mich.	

So the amendment as amended was agreed to.

The VICE-PRESIDENT. The hour of 7 o'clock having arrived, the Senate stands adjourned until to-morrow, Saturday, July 3, 1909, at 10 o'clock a. m.

SENATE.

SATURDAY, *July 3, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

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

PETITIONS AND MEMORIALS.

Mr. McLAURIN presented the petition of Eliza Warnock, of Warren County, Miss., praying that she be granted a pension, which was referred to the Committee on Pensions.

Mr. CULLOM presented a joint resolution of the legislature of Illinois, which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of house joint resolution No. 25 of the forty-sixth general assembly of the State of Illinois, filed June 22, 1909, the original of which is now on file and a matter of record in this office.

In testimony whereof, I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 1st day of July, A. D. 1909.

[SEAL.] JAMES A. ROSE,
Secretary of State.

House joint resolution 25.

Whereas the rivers and harbors bills passed by the Fifty-ninth Congress provided for the appointment by the Secretary of War of a special board "to examine the Mississippi River below St. Louis and report to the Congress at the earliest date by which a thorough examination can be made upon the practicability and desirability of constructing and maintaining a navigable channel 14 feet deep and of suitable width from St. Louis to the mouth of the river;" and

Whereas this special board has completed this report and forwarded it to the Chief of Engineers in Washington; and

Whereas it is desirable that the information contained in this report shall be made public: Therefore be it

Resolved by the house of representatives (the senate concurring therein), That the general assembly of Illinois petition the House of Representatives of the Congress of the United States of America to take such action as will cause the early publication of the report of the special board of engineers, recently transmitted to the Chief of Engineers, United States Army, upon the improvement of the Mississippi River below St. Louis and particularly between St. Louis and Cairo: Be it further

Resolved, That the secretary of state forward this resolution and petition to the Hon. JOSEPH G. CANNON, Speaker of the National House of Representatives, and send a copy thereof to each Member of Congress from this State.

Adopted by the house May 12, 1909.

EDWARD D. SHURTLEFF,
Speaker of the House.

B. H. McCANN,
Clerk of the House.

Concurred in by the senate May 18, 1909.

JOHN G. OGLESBY,
President of the Senate.

J. H. PADDOCK,
Secretary of the Senate.

Mr. CULLOM presented a memorial of sundry citizens of Springfield, Ill., indorsing the action of the Senate in imposing a duty on lemons, which was ordered to lie on the table.

THE BEET-SUGAR INDUSTRY.

Mr. DICK. I present a letter, together with certain data, from Truman G. Palmer, concerning the beet-sugar industry of Europe and the United States. I move that the paper be printed as a document (S. Doc. No. 121).

The motion was agreed to.

GOVERNMENT OF PORTO RICO.

Mr. DEPEW, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 9541) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, reported it without amendment, and submitted a report (S. Rept. No. 10) thereon.

INTRODUCTION OF BILLS.

Mr. DAVIS. I introduce a couple of little local bills that I want unanimous consent for the immediate consideration of. One is a bill to extend the time of limitation. Congress gave permission to build a bridge across the Ouachita River, a navigable stream in my State. The bridge has not yet been completed, and the time is about to expire. The other is a bill to grant permission to construct a bridge across Salem River in Arkansas, near a little town called Warren.

Mr. GALLINGER. Have the bills been reported from the Committee on Commerce?

Mr. DAVIS. No, sir; they are local bills, and it is not necessary to have them referred.

Mr. GALLINGER. They will have to go to the committee, I will say to the Senator.

The VICE-PRESIDENT. The first bill sent to the desk by the Senator from Arkansas will be read by its title.

The bill (S. 2827) to extend the time for construction of a bridge across the Ouachita River at or near Camden, Ark., was read twice by its title.

Mr. DAVIS. I trust the Senator from New Hampshire will at least not ask to have the bill go to the Committee on Commerce, because the time will expire before we can get a report from the committee. It provides for nothing but the extension of time.

Mr. GALLINGER. I suggest to the Senator the rules provide that all bills shall be referred to committees. I feel certain if the Senator will see the chairman of the Committee on Commerce he will report it promptly. It would be a very bad precedent to consider bills without a reference to committees.

Mr. STONE. I would add to what the Senator has said that under the rules of the Committee on Commerce there is a subcommittee authorized to consider local bills, the chairman of which can report at any time.

Mr. GALLINGER. Without the action of the full committee.

Mr. STONE. Without a meeting of the committee.

Mr. GALLINGER. I think the Senator from Arkansas will have no difficulty in getting the bill out of the committee promptly.

The VICE-PRESIDENT. The bill will be referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 2828) to authorize Bradley County, Ark., to construct a bridge across Saline River in said county and State, which was read twice by its title and referred to the Committee on Commerce.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. WETMORE introduced a bill (S. 2829) granting an increase of pension to Munson H. Najac, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. DIXON submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

TAX ON INCOMES.

Mr. BROWN. Mr. President, I ask unanimous consent that the joint resolution (S. J. R. 40) proposing an amendment to the Constitution of the United States be laid before the Senate, and that a vote be had thereon immediately.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. BURROWS. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

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

Aldrich	Clark, Wyo.	Frazier	McLaurin
Bacon	Culberson	Frye	Martin
Borah	Cummins	Gallinger	Nixon
Brandegee	Curtis	Gamble	Page
Briggs	Davis	Gore	Penrose
Bristow	Depew	Guggenheim	Perkins
Brown	Dick	Hughes	Scott
Burkett	Dillingham	Johnson, N. Dak.	Smoot
Burrows	Dixon	Johnston, Ala.	Stone
Burton	Dolliver	Jones	Sutherland
Carter	Elkins	Kean	Taylor
Chamberlain	Fletcher	La Follette	Warner
Clapp	Flint	McCumber	Wetmore

Mr. JONES. My colleague [Mr. PILES] has been called out of the city on important business.

The VICE-PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present. Is there objection to the request of the Senator from Nebraska?

Mr. ALDRICH. What is the request?

The VICE-PRESIDENT. That the Senate now vote upon the joint resolution (S. J. R. 40) proposing an amendment to the Constitution of the United States.

Mr. ALDRICH. I have no objection, with the understanding that there is to be no discussion, or the discussion must be limited. Of course that must be understood.

Mr. McLAURIN. I could not understand the Senator.

Mr. ALDRICH. If there is to be any debate, there must be a time fixed for taking the vote.

Mr. McLAURIN. I do not know about that.

Mr. ALDRICH. It is impossible, the Senator will see, to lay aside the tariff bill indefinitely for the purpose of discussing the joint resolution.

Mr. McLAURIN. That is true. I do not think it ought to be done. I do not think the tariff bill ought to be laid aside for the discussion or the consideration of this proposed amendment. I think it had better come in after the conclusion of the consideration of the tariff bill.

Mr. BROWN. I hope Senators will not object. It seems to me that the joint resolution ought to be passed now, in order that the House may have it before the tariff bill reaches that body.

In view of the objections that appear to be apparent, I change the request and ask that the joint resolution be laid before the Senate, and that it be voted upon by a roll call at 1 o'clock to-day.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. BORAH. I could not understand the request.

The VICE-PRESIDENT. It is that Senate joint resolution No. 40 be now considered by the Senate, and that it be voted upon by a roll call at 1 o'clock to-day. Is there objection to the request?

Mr. McLAURIN. Mr. President, I do not believe that there is any necessity for any constitutional amendment to authorize the Congress of the United States to enact an income tax. Whatever may be the intention in bringing forward the proposed amendment, I think the effect will be to defer the enactment of any law providing for an income tax. I think the effect of it will be that there will be probably more than a fourth of the States of the Union which will refuse to ratify the action of Congress when this proposed amendment to the Constitution is presented to the States for ratification, and then I think that will be presented to the Supreme Court of the United States as an argument why an income tax should be held to be unconstitutional. I think it would be urged as a very plausible argument before the Supreme Court of the United States that the people are not in favor of an income tax and do not believe that an income tax would be constitutional.

I can not conceive that there can be any necessity for any constitutional amendment. If I understood the vote yesterday, the proponent of this proposed constitutional amendment voted against the income tax.

Mr. BROWN. I voted for an income tax.

Mr. McLAURIN. I did not catch the vote of the Senator aright if he voted for an income tax. The Senator from Nebraska, as I heard it, voted to substitute the corporation tax for the income tax.

Mr. BROWN. I did. A corporation tax is a tax on incomes, which the court has sustained. I voted for that which the court sustained and rejected that which the court rejected.

Mr. McLAURIN. I do not see that the Congress of the United States should be called upon to zigzag around the inconsistent rulings of the Supreme Court of the United States. Without intending any reflection upon that tribunal, it is composed of men just exactly as the Congress of the United States is composed of men. I believe there are just as good lawyers in the House of Representatives and in the Senate of the United States as there are on the Supreme Bench.

Mr. BROWN. That is true; but they are not on the bench.

Mr. McLAURIN. I can not see that an income tax that would tax a portion of the incomes of the United States is constitutional when an income tax that would be uniform and tax all incomes of the United States over a certain amount would be unconstitutional.

I know that the Members of the Senate and the Members of the House are not on the Supreme Bench, but that does not necessitate nor argue for the abnegation of the right of the Senators and Representatives in Congress to pass their judgment upon a constitutional question. It is for us to pass that which we consider to be a constitutional law, and it is for the Supreme Court to undo it or not, as it sees proper.

Mr. CARTER. Mr. President——

Mr. McLAURIN. I desire to look into this. I do not say that I shall vote against this proposed amendment, but I shall offer to amend the constitutional amendment by striking out the words "or other direct" in one place, and by striking out the words "and direct taxes" in another. The Constitution will then confer all the power which is provided for in the joint resolution and also free Congress from a great many other embarrassments.

I yield to the Senator from Montana.

Mr. CARTER. Do I understand the Senator as objecting to fixing the hour of 1 o'clock to-day for voting upon the joint resolution?

Mr. McLAURIN. I should like to have a little further time than that to consider it.

Mr. CARTER. I suggest to the Senator from Nebraska that it is quite possible a number of Senators are absent this Saturday afternoon who would be glad to be apprised of the time that the vote is to be taken on the joint resolution. I therefore suggest to the Senator from Nebraska that he modify his request for unanimous consent by fixing 1 o'clock on Monday.

Mr. McLAURIN. I do not object to that.

Mr. BROWN. I accept the modification and ask that a vote be taken without further debate at 1 o'clock on Monday.

Mr. McLAURIN. I wish to offer an amendment to the joint resolution and have it acted upon.

Mr. CARTER. The amendment may be offered and then pending.

Mr. ALDRICH. The vote to be taken at that time without further debate.

Mr. BORAH. I could not hear the request.

The VICE-PRESIDENT. The request now is that the vote be taken at 1 o'clock on Monday upon the joint resolution and all amendments thereto, without further discussion.

Mr. BORAH. Without any further discussion between now and then?

Mr. ALDRICH. Oh, no.

Mr. CARTER. It will be open for discussion at any time.

Mr. McLAURIN. It will be open for discussion between now and Monday at 1 o'clock.

Mr. ALDRICH. Certainly.

The VICE-PRESIDENT. The Chair understands that it will be laid before the Senate and discussed until 1 o'clock.

Mr. CARTER. It can be called up by any Senator between now and Monday at 1 o'clock.

Mr. ALDRICH. I do not understand that necessarily the joint resolution is before the Senate now.

The VICE-PRESIDENT. The Chair thought that that was a part of the request of the Senator from Nebraska.

Mr. BROWN. I understand that debate may be had on this or any other subject until 1 o'clock Monday, but at 1 o'clock on Monday the joint resolution is to be laid before the Senate and voted on. That is my request.

The VICE-PRESIDENT. Is there objection to the request?

Mr. BRISTOW. The other day we got mixed up, or at least I did, I do not know whether anyone else did, in regard to a unanimous consent, and we could not do anything until the income-tax amendments were disposed of. Does this mean nothing else but that the joint resolution is to be considered at 1 o'clock on Monday?

The VICE-PRESIDENT. It does not. It is expressly stated that that is not the intention, but that the vote shall be taken at 1 o'clock on Monday. Is there objection? The Chair hears no objection, and that is the order of the Senate.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the first bill on the calendar will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. I move, on page 224, after line 16, at the end of section 1, to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 224, after line 16, insert the following as section 2:

The provisions of the dutiable list and the free list of this section shall constitute the minimum tariff of the United States.

After section 1 insert a new section, as follows:

"SEC. 2. That from and after the 31st day of March, 1910, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section 1 of this act, and in addition thereto 25 per cent ad valorem; and there shall also be levied, collected, and paid the following rates of duty on articles upon the free list in said section 1, namely: On coffee, 5 cents per pound; on tea, 10 cents per pound; which rates shall constitute the general tariff of the United States: *Provided*, That whenever and so long as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the prodcts thereof, and that such foreign country imposes no export bounty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, then, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and thereupon and thereafter the provisions of the general tariff shall be applied to the importation of articles from such country. Whenever the provisions of the general tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same."

Mr. CULBERSON. Unless the Senator from Rhode Island desires to explain this section, in which case we would be glad to hear him——

Mr. ALDRICH. I thought the Senator, perhaps——

Mr. CULBERSON. I was simply going to ask a question. It occurred to me that probably the Senator was going to make first a statement in explanation of the amendment.

Mr. ALDRICH. It hardly seems to me necessary to make a statement upon this question. The amendment is self-explanatory, it seems to me. As to the necessity of imposing maximum duties or a maximum tariff, I suppose there can be no difference of opinion on the part of Senators. I consider this the most important part of this measure, the most important in view of the necessity of action of this character to protect American interests and American industries abroad.

I assume that all the Members of the Senate are advised as to the condition of affairs in other countries which makes legislative action of this kind necessary. As indicating the action of other countries or the means which have been taken by other countries to protect their own interests along similar lines, I will ask that a memorandum may be read by the Secretary, which was prepared at the Treasury Department, showing the regulations which have been adopted in other countries along similar lines.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows (S. Doc. No. 122):

Maximum tariffs of the principal countries.

ARGENTINE REPUBLIC.

Executive authorized to levy a maximum tariff equivalent to a surtax of 50 per cent on the minimum tariff in the case of dutiable goods and to impose a rate of 15 per cent on free goods.

AUSTRIA-HUNGARY.

Surtax up to 200 per cent on dutiable goods and up to 100 per cent ad valorem on free goods.

BELGIUM.

Duties in customs tariff with an increase of 50 per cent. Free goods 15 per cent ad valorem, or an equivalent specific duty calculated on the basis of their average value.

CANADA.

Governor in council may by order in council, in consideration of benefits satisfactory to the governor in council, extend the benefit of the interimmediate tariff (various rates) to any British or foreign country.

DENMARK.

By royal decree may be charged a surtax on the tariff rates of duty up to 40 per cent thereof for a period not exceeding forty weeks; only once in three years for the same country and same goods; on free goods with duty not exceeding 10 per cent ad valorem orë per kilogram.

FRANCE.

Certain countries are entitled to the rates on all articles mentioned in the minimum tariff (various rates); certain other countries, including the United States, are given the rates on only some of the articles in the minimum tariff. In all other cases the general tariff (various rates) is applicable.

GERMANY.

The conventional tariff (various rates) apply to countries entitled to the most-favored-nation treatment or having commercial treaties with Germany which secure them lower rates. Most of the imports from the United States are subject to this conventional tariff. The general tariff (various rates) applies in all other cases.

By imperial ordinance, with the assent of the Bundesrath, dutiable goods proceeding from states that treat German ships or products less favorably than those of other nations may, without prejudice to the tariff duties, be burdened with a surtax ranging up to 100 per cent of the tariff duty imposed on such goods or even with a surtax equivalent to the total value of the goods themselves. Goods free of duty in virtue of the tariff may, under the same conditions, be taxed with a duty not exceeding 50 per cent ad valorem.

In like manner and save conventional stipulations to the contrary foreign goods may be subjected to the same duties and customs formalities as are applied to Germany in the country of origin.

GREECE.

By royal decree may be imposed supplementary duties higher by 30 per cent than the ordinary duties; on free goods 15 per cent upon the market price. The conventional tariff (various rates) results from treaties with certain countries. The United States is accorded the most-favored-nation treatment. The general tariff applies in all other cases.

ITALY.

Goods proceeding from countries with which Italy has concluded commercial treaties, etc., guaranteeing to the contracting states the most-favored-nation treatment get the benefit of the conventional tariff (various rates) subject to paying the surtax of manufactures stipulated in the general tariff or in special laws, and applicable to goods similar to national goods apply to the interior manufacture tax. The United States has a commercial agreement with Italy, under the provisions of the tariff of 1897. Article 24 of the treaty of February 26, 1871, provides that the most-favored-nation treatment shall be

freely granted by each of the two contracting parties to the other in case this régime is freely granted to another state, or in consideration of an equal advantage if the concession has been a conditional one.

There is a general tariff with the various rates applicable in other cases.

JAPAN.

By imperial ordinance there may be imposed on dutiable articles a surtax not exceeding in amount the rate of duty prescribed in the present law, and upon free goods an import duty not exceeding 50 per cent ad valorem. Special rates on certain goods are given to countries with which there are agreements. The United States is given the most-favored-nation treatment. In other cases the general tariff with various rates applies.

MEXICO.

Seems to have only one tariff, applicable to all countries.

NETHERLANDS.

This country seems to have only one tariff, applicable to all countries. Under extraordinary circumstances or when the interest of commerce or industry requires it, the import duties established in the tariff may be reduced or abolished by royal decree, subjected to subsequent action by the general states.

NORWAY.

This country has a maximum and minimum tariff. The maximum tariff is applicable to any foreign country not having concluded a treaty of commerce and navigation with Norway, and wherein Norwegian goods and vessels are less favorably treated than the goods and vessels of any other country.

RUSSIA.

There are two tariffs, the general and the conventional. All products of countries enjoying in Russia the most-favored-nation treatment are entitled to the conventional tariff in full and to the general tariff in so far as the latter is unchanged by the conventional tariff. The United States is entitled to the most-favored-nation treatment.

SPAIN.

This country has a maximum and a minimum tariff. The United States is entitled to the latter under the reciprocal commercial agreement; that is, to the most-favored-nation treatment, with the exception of the special privileges granted Portugal. The Government is empowered to levy such surtaxes as it deems fit on the maximum rate as to goods from countries treating Spanish vessels or merchandise in a specially unfavorable manner.

SWEDEN.

Seems to have but one tariff, applicable to all countries.

SWITZERLAND.

There is a general tariff and a conventional tariff, the latter being applicable to goods from the United States under the commercial agreement. The Federal Council may increase at any time, subject to action by the Federal Assembly, to such an extent as they may deem fit, the rates of the general tariff applicable to the products of states levying excessive rates of duty on Swiss goods, or treating them less favorable than the goods of other countries.

TURKEY.

This country has one general import rate, namely, 11 per cent ad valorem.

UNITED KINGDOM.

There is only one import tariff, confined principally to beer, a few drugs, sugars, spirits, tea, tobacco, and wine.

Countries with which the United States has commercial agreements under section 3 of the tariff act of 1897.

Bulgaria, France, France (Algeria-Porto Rico), Germany, Great Britain, Italy, Netherlands, Portugal (Porto Rico), Spain, Switzerland.

There is also a convention with *Cuba* which was approved by act of Congress.

Mr. ALDRICH. I ask that the memorandum be printed as a Senate document in addition to being printed in the RECORD.

The VICE-PRESIDENT. Without objection, the order is made.

Mr. ALDRICH. I will state that since that statement was made changes are now in operation or now in consideration in France which make the average difference between the maximum and minimum rates in France 50 per cent ad valorem.

Mr. CULLOM. Ranging from 25 to 100 per cent.

Mr. ALDRICH. Ranging from 25 to 100 per cent. In many cases the maximum rates are double the minimum rates at this time.

Mr. DANIEL. On page 2, line 4, I move to strike out the words, "namely: On coffee, 5 cents per pound; on tea, 10 cents per pound."

Mr. BURKETT. I suggest that the Senator ought to begin to strike out back on line 2 with the words "and there shall be levied and collected."

Mr. DANIEL. I believe that would be a better version of the amendment. I thank the Senator.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 2, line 2, it is proposed to strike out the words:

And there shall also be levied, collected, and paid the following rates of duty on articles upon the free list in said section 1, namely: On coffee, 5 cents per pound; on tea, 10 cents per pound.

Mr. DANIEL. Mr. President, I shall be as brief as I possibly may be in stating some objections to the amendment presented by the Senator from Rhode Island.

There is involved in the amendment three kinds of tariff. The first is the tariff of the dutiable list now being framed in the pending bill. That is known as the "minimum" tariff. The second is a general tariff provided for in section 2 of the amendment, which adds to the rates of the dutiable list 25 per cent ad valorem. That provision, by a stroke of the pen, increases by 25 per cent ad valorem every tariff in the United States levied by the enormous dutiable list which is now before this body. There is a third tariff. It may be designated as a presidential tariff. It is ambulatory. It goes and it comes.

The first tariff, called the minimum tariff, will, of course, become the law of the United States in the natural order of events. The second, the general tariff, is a tariff provided for with a view to its ambulatory character. That tariff will come and go, according to the satisfaction of the President of the United States, with certain conditions. The provisions on the subject are contained in section 2, and we must read them carefully in order to apprehend their significance.

After lifting the tariff up 25 per cent ad valorem, it is provided:

That whenever and so long as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States—

Satisfied of what?—

that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof—

That is one thing as to which presidential satisfaction is the predicate—

and that such foreign country imposes no export bounty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof—

That is a second annex of presidential satisfaction. The third is—

and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent—

Upon these three conditions of presidential satisfaction, it is provided that—

then, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act.

Then the text further provides:

The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country (and, in the alternative) or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States.

Then it is further provided:

Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and thereupon and thereafter the provisions of the general tariff shall be applied to the importation of articles from such country.

It is further provided:

Whenever the provisions of the general tariff of the United States shall be applicable to articles imported from any foreign country, they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise.

Then there is an independent proviso with respect to information to assist the President:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. I do.

Mr. CULBERSON. Mr. President, with reference to the last paragraph of this amendment, which the Senator from Virginia has just read, after I call his attention to the patent fact that it authorizes the President to appoint an indefinite number of persons and to himself substantially fix their salaries, I will ask him if he does not believe, if this amendment is adopted at all, it ought to be limited to a certain number of persons and that the commission—for that is what it is—ought to be made nonpartisan and that the Congress itself ought to fix the salaries or compensation?

Mr. DANIEL. Mr. President, I am going to advert to that briefly. In the meantime perhaps the Senator from Texas might aid the cause by preparing an amendment covering that clause.

Mr. President, my first objection to this amendment is that it leaves the question of American tariff on foreign articles in an entirely indefinite and vague shape. Taxation in this country rests solely in the power of Congress. It is the only body that can levy a tax. It is also the only body that can repeal a tax. The repeal of a tax is a law; it must be embodied in an act of Congress. The repeal of a law puts into effect another and a different law, and both the original enactment of a statute and the repeal thereof are reposed solely in the power of the Congress of the United States.

The purse and the sword are the emblems of the power of Congress. In the framework of all our American institutions it is only by act of Congress that war can be declared and the sword invoked to its office. It is also only by act of Congress that a tax can be levied upon the people, or can be repealed after it is levied, and a different condition substituted in its place.

I am not unaware that Congress may fix an event upon the happening of which a tax shall go into effect or go out of effect; but it ought to be as precise as a condition in a deed, described with exactness, ascertainable with nicety, and predicated with certainty. You may provide that during the existence of a war a certain thing may happen, and that upon a declaration of peace another thing may happen. That happening will be one of entirety, of certainty, of assurance, as the axle upon which the event turns. When we look at this amendment and pass the minimum tariff of duties which are to be enacted in due form of law, we come to a condition in which, after the 31st day of March, 1910, the rates of duty prescribed by the schedules and paragraphs of the dutiable list shall be an addition of 25 per cent ad valorem. I do not say it is not within the power of Congress so to provide, for the whole power of legislation is immediately annexed to that provision on and after a certain time, and to what is known as the "general tariff of the United States" the tariff with a 25 per cent ad valorem is added.

Now, we reach what may be called, for matter of identification, "the presidential tariff." What has the President to be satisfied about? It does not depend upon the fact whether these things are true or not; it does not specify certain things as happening or not happening as the turning point for the tariff; but a condition of the presidential mind is made, whether it be an erroneous condition or not, the predicate of putting a tariff on the people of the United States or taking it off. It is known, and has been referred to, that an equity which is according to the length of the chancellor's foot is a very vague and indefinite equity. Feet differ in length and size and shape and description, and the minds of men present more differences than any other thing under the sun. Even after things have been decided forty times, if an item comes up in the Senate, a variation of difference will be disclosed in some Senator's mind, and he may or may not make some suggestion that diversifies the scene.

What is presidential satisfaction? That depends entirely upon who the President is, and also upon the mood of mind in which that President is.

If you make this tariff depend upon a fact, that is one thing; if you make it depend upon the satisfaction of a man's mind as to the fact without putting the absolute existence of the fact in issue, you utterly change the substratum of this tariff and make it depend upon—if a President could have such different feelings—pique, prejudice, partiality, or whatever else may enter into the mind of man, the predicate of a tariff law of the United States. That is not according to our system of government. There is no appeal to or from the people as to that. It cuts the electrical connection between the people, in whom alone lies the power of taxation and the tax levy. We may have, under these somewhat vague and uncertain provisions, various kinds of tariffs. The number of tariffs may vary as the crafts upon the waters, and it will be difficult for anybody to tell what kind of a tariff we have got.

Then the amendment provides that:

> Whenever and so long as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof—

There is a nicety of decision as to what is and what is not an undue discrimination. There is a great variety of subjects to consider as to what are restrictions, regulations, charges, and exactions. It would take a chancellor, with a master, to go through all the variety of matters that are submitted for determination here, and the presidential satisfaction is the sole thing which makes the axle on which the tariff turns. When you have got through with that, there seems to be another variation of presidential satisfaction. He must be satisfied—

> that such foreign country imposes no export bounty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof.

And then, third—

> that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent—

And then, upon his proclamation—

> all articles when imported into the United States or any of its possessions (except the Philippine Islands) from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act.

Mr. President, not only is this the making of a law without the mind of Congress coming in contact and grasping at the same time the subject of the law, the conditions of the law, and the enactment of the law, but it is, furthermore, making a treaty with unnamed, with divers foreign countries, without having that treaty submitted for the confirmation or rejection of the Senate. Heretofore in all of our transactions with foreign nations in which we have modified, changed, created, or reversed any particular trade arrangement with that country, it has been by treaty submitted, in the ancient and well-known form of preparation by the President or his confidential officers, to the Senate, and it requires by that system of constitutional regulation that two-thirds of the Senate shall advise and consent to and confirm that treaty before it becomes the supreme law of the land.

In these provisions, Mr. President, a miscellaneous lot of treaties are made to depend solely upon the satisfaction of the President as to a great number of facts. No two-thirds of the Senate are required to advise and consent to this act. It is put in the common current of ordinary legislation; but when that act passes, the power of the Senate to regulate our foreign affairs by advice and consent of two-thirds vanishes in smoke; it has gone out of the Constitution as to our trade relations with all foreign governments; the Senate is eliminated; it is no longer one of the coordinate powers of the Government in connection with the President to make treaties with foreign nations.

The practice is becoming more and more common to eliminate the Senate from its own concerns. We have had here the elimination of five members of a committee from participation in its concerns. The men who eliminated those five Members from participation in the affairs of a committee had not one whit more power to do so than they have a right to eliminate any chosen number of this body from the Committee of the Whole. The Committee of the Whole is the Senate, in a certain form of action, and a committee of the Senate is the Senate, in a certain subsidiary form of action; and the Constitution tinkers who say unto one portion of a committee "Go," and they goeth out of participation in the affairs of government, or to another portion "Come," and they cometh, are totally in contempt of this body and of the Constitution of the United States.

I venture to say, Mr. President, that there is not a lawyer in this body who will get up in the Senate and say either that he thinks that is right or that he thinks that is legal, or that he thinks this is constitutional or just.

It is a case of confessed guilt—confessed before the judges—the judges turning their faces away from the confession. I

once heard of a man who was accused of crime. He was brought before the court and he confessed his guilt; but his lawyer defended him upon the ground that he was so unreliable that he could not be believed or should not be attended to, whether he said one thing or another. Has the Senate of the United States degenerated into that condition? Can you not believe the confessions of your own Members? Can you not act upon them and vindicate the integrity of the Senate when you know that the integrity of your colleagues' right is assailed and trampled upon?

A man who will stand by, when possessing authority, and not assert that authority for the protection even of the weakest upon whom wrong may be unlawfully inflicted is a man who would never defend his own rights if there were any motive to abandon them; he has not in his heart the principle upon which men defend right deeds and blame unworthy ones.

Mr. President, I would not like, as a Senator of the United States, to vote for an act that sends a lot of ambulatory treaties over the world, to be adopted or not adopted according to "the presidential satisfaction." I believe it was Lord Camden who said "Discretion is the father of tyranny." It is the beauty and the glory of our great Constitution that it has put the rights of man beyond the discretion of any other man. We do not live, move, and have our being in this free country at the discretion of any other human being whatsoever. We do not exercise our rights in the Senate of the United States at the discretion of any other Senator whatsoever. We stand here upon our title as free Senators of the United States, with no man having the right to put a rope around our necks, and with none possessing the right to put a gag upon our tongues.

It is a very notable and high distinction of this body, now that over one hundred years of history has passed, that it is still open to absolute free speech, tied down by no technical parliamentary rule that may close the mouth of anyone, if, in the pursuance of his duty, he sees fit to say this or to say that. Free speech would be but a trivial and shadowy thing if free action could not supplement free speech with its substantial addition.

The fact is to-day that five members of one of the highest committees of this body, that committee which is dealing with vast concerns affecting every man, woman, and child in the United States and with taxation upon them, are dismissed from a committee which the Senate appointed. Who is there, sir, so great he can challenge an officer of the Senate in pursuance of his duty? If a Member of the House of Representatives or of the Senate is arrested by an officer of the law while pursuing his duty, he must be released, because such is the great dignity of the public concerns that the law will not permit him to be interfered with while in attendance upon them. Shall it be that we, who are under a Constitution which so respects and so sanctions the public employment in which we are engaged, shall ourselves smile at, giggle at, the most important of our rights as Senators? That is not the view that any Senator will express in his private character; that is not the view that any Senator who has studied law would express in his legal character; that is not the view which any Senator can sustain in his constitutional character.

While I am upon my feet I will read the oath which a Senator takes before he gets the privilege or can exercise the right of his office in this body. Mr. President, I desire to read from page 38 of the Standing Rules of the Senate. This is the oath of office required by the Constitution and by law to be taken under Rule II:

> I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God. (July 11, 1868, 15 Stat., 85.)

I might also read here, Mr. President, but I would only be reminding Senators of what they well know, that it is against the absolute mandates of parliamentary law for any member of a committee to be excluded from the exercise of his privileges as such member of the committee. No one has any more right to interfere with him, or to impede or conspire against his execution of that committee function, than he has, Mr. President, to arrest you when you are going to the Senate to preside over it. Your title depends in a little different way, but not less solidly, not less sacredly, upon these muniments of the law, than his.

I presume this is the last time I shall refer to this subject. It is late in the session. Whatever advantage could be acquired by a small coterie of the committee in assuming themselves to be the committee, and in acting in its name, they have obtained. There are very few that remain that can be enjoyed by their colaborers and associates in that body. I have before called the attention of Senators to this matter. Not a single one of them, certainly not one of the majority party, has lifted his little finger to defend the Constitution of his country. Not one of them has breathed a whisper against a wrong done in his presence. Has each of them reflected on that oath of office well and truly to perform his duties? Is this well and truly performing them? Ought not every one of them to rise at once and say: "Is thy servant a dog that he should do this thing?"

It is done, and almost past remedy. And as yet the Senate is silent.

Mr. President, I do not believe in carrying autocratic, executive, senatorial, or any other power beyond the place which is assigned to it under the Constitution of the United States. In the exercise of the military office commanders of armies are permitted to set aside the ordinary paraphernalia of law, because of the necessity of acting quickly and arbitrarily in the public defense. But just in proportion as autocracy creeps into the Senate, just as surely as the will of a few men is substituted as the legal action of this body instead of the roll call and the right to vote which belongs to us all, just as surely as you extend that into treaties and permit the will of one man to take the place of the President and the Senate, just to that extent does the Constitution decay, and just to that extent do the muniments of free government crumble and decline and pass away.

For these reasons, Mr. President, I can not vote for this amendment.

Mr. NELSON obtained the floor.

Mr. MONEY. I will ask the Senator from Minnesota to yield to me, simply to enable me to introduce an amendment that I should like to have read. I do not desire to speak upon it at present.

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

Mr. NELSON. Certainly.

Mr. MONEY. I will ask the Secretary to read the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment proposed to be offered hereafter.

The SECRETARY. Amendment to the amendment of the Committee on Finance, to be known as section 2, relating to the minimum tariff.

On page 2, line 2, after the words "25 per cent," strike out the words "ad valorem" and insert in lieu thereof the words "of said duty," so as to read:

> And in addition thereto 25 per cent of said duty.

Mr. MONEY. Later on, if I feel able to do so, I wish to submit a very few brief remarks upon this subject.

Mr. GALLINGER. Will the Senator from Minnesota yield to me?

Mr. NELSON. Certainly.

Mr. GALLINGER. Mr. President, I wish to give notice that if this provision relating to coffee and tea remains in the bill, I shall move to amend by inserting on line 5, page 2, after the word "pound" where it occurs the second time, the words "on cocoa, 3 cents per pound." And I shall give my reasons for that if it becomes necessary.

Mr. NELSON. Mr. President, I do not rise for the purpose of entering into any extended discussion. I simply desire to say that I am utterly opposed to any tax on tea and coffee. This provision, if it becomes a part of the law, will become effective on the 31st of March next; and unless the President makes a proclamation exempting the coffee and tea producing countries from which we import those articles, we shall have an absolute tax on tea and coffee.

I sincerely trust, therefore, that the chairman of the committee will agree to strike out that part of the amendment relating to tea and coffee. If it is stricken out, I shall cheerfully support the amendment. If it remains in the amendment, I do not feel that I can support it.

In this connection, I have here a paper which I have compiled, showing the countries and provinces that impose an export duty or bounty upon coffee and tea, and also tables showing the importations from those countries, which I ask to have printed in the RECORD and printed as a document. I trust the Senator from Rhode Island, the chairman of the Committee on Finance, will agree to strike out this provision.

The matter referred to is as follows (S. Doc. No. 120):

List of countries levying an export duty on coffee.

	Unit.	Rate of duty.	
		Foreign currency.	United States equivalent, 100 pounds.
Belgian Kongo	100 kilos	3 francs	$0.263.
Western basin of the Kongo		5 per cent ad valorem.	
Brazil, by its States:			
Alagoas		10 per cent ad valorem.	
Amazonas		10 per cent ad valorem.	
Ceara		2 per cent ad valorem.	
Ceara coffee exported by land.	Cargo	4$000 milreis	$1.22.
Minas Geraes		8½ per cent ad valorem.	
Minas Geraes, in addition to the above a surtax.	Per bag of 60 kilos.	5 francs	73 cents.
Parahyba do Norte		3 per cent ad valorem.	
Pernambuco		3 per cent ad valorem.	
Rio Grande do Norte		8 per cent ad valorem.	
Rio Grande do Norte, in addition to the above duty.	Kilo	0$001 milreis	1.4 cents.
And a surtax on the above duties of 10 per cent of the duties.			
Rio de Janeiro	Kilo	0$029.75 milreis	41.1 cents.
Rio de Janeiro (the above is exclusive of surtax of 5 francs per bag).			
Rio de Janeiro, roasted or ground.	Kilo	0$059.5 milreis	
Sao Paulo	Kilo	0$041.4 milreis	57 cents.
Sao Paulo, in addition to the above duty a surtax of.	Per bag of 60 kilos.	5 francs	73 cents.
NOTE.—To the above rate should be added a surtax of 5 francs (96.5 cents) per bag of 60 kilos. According to the decree of September 12, 1908, an additional tax of 20 per cent ad valorem is to be levied on all coffee exported from the State of Sao Paulo in excess of 9,000,000 bags during the crop year commencing July 1, 1908; in excess of 9,500,000 bags during the crop year beginning July 1, 1909; and in excess of 10,000,000 bags during the succeeding crop years.			
British Empire—British West Indies:			
Dominica	100 pounds	1s. 6d	36.33 cents.
Montserrat	100 pounds	2s. 1d	50.66 cents.
Trinidad and Tobago	100 pounds	8d	16 cents.
Ceylon	100 pounds	10 rupees	0.029 cents.

List of countries levying an export duty on coffee—Continued.

	Unit.	Rate of duty.	
		Foreign currency.	United States equivalent, 100 pounds.
British Somali Coast Protectorate.		1 per cent ad valorem	
China		5 per cent ad valorem	
Ecuador	Kilo	0.005 sucre	11 cents.
France:			
Guadeloupe	100 kilos	3 francs	26 cents.
French Kongo		5 per cent ad valorem	
Gabon		5 per cent ad valorem	
Territories of the Chad		5 per cent ad valorem	
Reunion		2 per cent ad valorem	
Somali Coast Protectorate	100 kilos	1 franc	9 cents.
Germany (no export duty self):			
Kamerun		5 per cent ad valorem	
Guatemala (coffee in the bean):			
Parchment coffee, proportional duty.	Quintal (101 pounds).	1 peso	$1.
Haiti	100 pounds	3 gourds	$2.97.
Liberia, coffee seed:			
Hulled	Bushel	$1.50	$1.50 (per bushel).
Unhulled	Bushel	$0.50	$0.50.
Nicaragua	Quintal (100 pounds).	$0.40	$0.40.
Paraguay		1 per cent ad valorem.	
Portugal:			
Ambriz		15 per cent ad valorem.	
Cape Verde Islands	Kilo	4 reis	$0.20.
Loanda, Benguela, and Mossamedes.		3 per cent ad valorem.	
Mozambique		2 per cent ad valorem.	
Portuguese Kongo	100 kilos	1$080 milreis	$0.825.
San Thome and Principe—			
In Portuguese vessels	Kilo	0$030 milreis	$1.47.
In foreign vessels	Kilo	0$045 milreis	$2.21.
Timor (coffee in bean)	Picul	2$520 milreis	$1.99.
Salvador:			
From the ports of Libertad and Acatjutia.	46 kilos	$0.40	$0.40.
Surtax	46 kilos	0.265 pesos	$0.10.
From the port of La Union.	46 kilos	$0.40	$0.40.
Surtax	46 kilos	0.51 pesos	$0.194.
Santo Domingo	Quintal	15 cents	15 cents.
Turkey		1 per cent ad valorem.	

Federated Malay States in: Negri Sembilan, Selangor, Perak, and Pahang—
When the price is below $22 per picul ..... Free.
When $22 per picul up to $24, inclusive ..... per cent ad valorem 1
When above $24 per picul up to $26, inclusive ..... per cent ad valorem 1½
When above $26 per picul up to $28, inclusive ..... per cent ad valorem 2
When above $28 per picul ..... per cent ad valorem 2½

The duty of parchment coffee is calculated on two-thirds of the gross weight, and on dry cherry on one-third of the gross weight

Coffee. (Free.)

[Data taken from Table No. 3 of the Annual Report on Commerce and Navigation for 1908.]

Imported from—	1904.	1905.	1906.	1907.	1908.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Europe:					
Austria-Hungary	381,092				
Belgium	1,038,222	105,938	1,659		66,594
France	7,527,376	12,577,123	31,835	671,732	6,500
Germany	4,228,678	1,032,208	426,939	169,580	215,196
Italy	191	8,039	36,767	16	684
Netherlands	1,367,592	445,686	743,674	1,361,996	1,930,800
Portugal	394,336	773,064	35		
Spain					7,850
Turkey in Europe		80		532	26,412
United Kingdom	3,458,469	4,709,783	2,489,301	972,001	669,288
North America:					
Bermuda			3,200		
British Honduras	5,638	330		25	200
Canada	489,398	96,869	271,020	114,822	119,942
Central American States—					
Costa Rica	14,396,928	21,341,564	21,991,437	24,090,169	11,814,266
Guatemala	19,996,043	24,406,985	27,793,478	27,732,521	17,211,819
Honduras	761,512	318,674	130,067	87,663	494,922
Nicaragua	1,090,784	1,560,298	1,235,016	1,124,106	1,220,619
Panama	85,578	65,475	50,480	188,105	247,915
Salvador	10,391,959	11,870,122	12,333,970	11,213,571	9,212,505
Mexico	23,215,889	21,957,672	24,580,929	14,726,450	29,012,345
West Indies—					
British	2,534,824	1,418,321	1,928,654	1,616,538	3,410,795
Cuba	869	182,730	48,118	7,987	1,342
Dutch	513,400	54,547	35,136	263,521	117,250
French				198	132
Haiti	3,964,662	3,522,048	3,295,712	3,530,853	3,203,011
Santo Domingo	587,431	904,263	287,516	219,447	702,359
South America:					
Brazil	741,758,798	820,259,995	625,160,025	778,609,591	697,845,096
Chile					90
Colombia	73,594,285	47,756,265	49,576,167	43,398,453	47,963,700
Ecuador	275,532	2,462,971	36,058	1,488,283	106,400
Guiana—					
British					800
Dutch	443,340	334,647	191,866	344,169	333,374
Peru	27,350	10,901	100	269	2,597
Venezuela	62,634,279	54,507,410	62,796,278	59,994,303	51,610,511

Coffee. (*Free*)—Continued.

Imported from—	1904.	1905.	1906.	1907.	1908.
Asia:	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Aden	2,147,379	1,789,788	1,660,169	2,701,007	2,737,908
Chinese Empire	275,631	110,413	237,827	206,760	26,000
East Indies—					
British India	267,969	32,000	24	3,360	2,464
Straits Settlements	4,067 908	1,580,817	945,081	1,174,474	407,228
Other British	.....	896	.....	3,750	.....
Dutch	11,730,352	10,712,449	12,248,208	7,322,563	8,769,852
Turkey in Asia	1,320,096	881,186	1,080,500	1,982,539	1,098,490
All other Asia	45,584	.....	.....	.....	.....
Oceania:					
Philippine Islands	6,650	.....	.....	84	.....
Africa:					
Abyssinia	.....	.....	.....	.....	30,450
British Africa—East	.....	814	20	.....	.....
Liberia	16,539	.....	21,120	35	11,400
Turkey in Africa—Egypt	721	413	547	.....	951
Total	995,043,284	1,047,792,984	851,668,933	985,321,473	890,640,057
RECAPITULATION.					
Europe	18,395,956	19,651,921	3,730,210	3,175,857	2,923,324
North America	78,034,915	87,700,098	93,984,733	84,915,976	76,769,422
South America	878,733,584	925,332,189	737,760,494	883,835,068	797,862,568
Asia	19,854,919	15,107,549	16,171,809	13,394,453	13,041,942
Oceania	6,650	.....	.....	84	.....
Africa	17,260	1,227	21,687	35	42,801

Coffee. (*Free.*)

Imported from—	1904.	1905.	1906.	1907.	1908.
Europe:					
Austria-Hungary	$22,753	.....	.....	.....	.....
Belgium	81,033	$8,002	$344	.....	$4,666
France	466,909	1,021,070	3,798	$52,674	358
Germany	366,214	77,866	46,530	18,760	26,459
Italy	25	1,107	5,010	2	93
Netherlands	140,890	54,731	91,446	191,991	295,855
Portugal	26,545	51,852	6	.....	.....
Spain	.....	.....	.....	.....	1,784
Turkey in Europe	.....	8	.....	79	4,154
United Kingdom	326,523	497,989	268,136	105,116	86,760
North America:					
Bermuda	.....	.....	197	.....	.....
British Honduras	531	30	.....	4	22
Canada	50,533	16,518	35,094	17,543	15,729
Central American States—					
Costa Rica	1,608,028	2,175,116	2,338,158	2,520,451	1,342,723
Guatemala	2,268,443	2,762,095	3,143,959	3,533,437	2,005,997
Honduras	59,465	27,500	11,971	8,401	60,128
Nicaragua	87,597	116,854	90,903	111,507	123,401
Panama	5,858	5,974	3,827	22,510	19,962
Salvador	844,240	970,215	1,069,748	1,108,703	909,684
Mexico	2,222,171	2,162,785	2,649,864	1,697,094	3,338,510
West Indies—					
British	197,257	119,871	163,816	156,351	276,638
Cuba	153	16,039	4,846	956	322
Dutch	40,709	5,075	4,348	23,210	11,734
French	.....	.....	.....	45	24
Haiti	337,272	234,559	296,779	288,482	181,266
Santo Domingo	53,279	79,031	27,658	17,237	62,504
South America:					
Brazil	48,080,222	64,136,008	51,124,498	57,216,626	48,317,337
Chile	.....	.....	.....	.....	10
Colombia	5,082,831	3,517,664	4,102,429	3,912,987	3,953,445
Ecuador	22,301	186,545	3,568	123,538	17,468
Guiana—					
British	.....	.....	.....	.....	60
Dutch	33,772	28,637	17,305	34,704	36,071
Peru	2,685	1,065	8	39	301
Venezuela	4,946,269	4,526,036	5,542,529	5,212,549	4,837,862
Asia:					
Aden	259,545	251,592	256,864	426,052	417,854
Chinese Empire	33,321	14,447	32,290	26,704	4,000
East Indies—					
British India	34,593	4,114	5	411	352
Straits Settlements	274,328	127,065	84,531	108,794	35,181
Other British	.....	93	.....	491	.....
Dutch	1,388,325	1,318,970	1,649,959	957,755	1,124,098
Turkey in Asia	179,162	137,355	183,447	336,685	170,039
All other Asia	5,382	.....	.....	.....	.....
Oceania:					
Philippine Islands	931	.....	.....	8	.....
Africa:					
Abyssinia	.....	.....	.....	.....	4,016
British Africa—East	.....	71	2	.....	.....
Liberia	1,583	.....	2,112	6	1,026
Turkey in Africa—Egypt	121	113	149	.....	213
Total	69,551,799	84,654,062	73,256,134	78,231,902	67,688,106
RECAPITULATION.					
Europe	1,430,892	1,712,625	415,270	368,622	420,129
North America	7,775,536	8,691,662	9,841,168	9,505,931	8,348,644
South America	58,168,080	72,395,955	60,790,337	66,500,443	57,162,554
Asia	2,174,656	1,853,636	2,207,096	1,856,892	1,751,524
Oceania	931	.....	.....	8	.....
Africa	1,704	184	2,263	6	5,255

List of countries levying an export duty on tea.

	Unit.	Rate of duty.	
		Foreign currency.	United States equivalent, 100 pounds.
British India	Pound	0½ pie	4 cents.
Ceylon	100 pounds	0.10 rupees	.029.
China	Picul	2.500 Haikwan taels	$1.17.

Tea. (Free.)

[Data taken from Table No. 3 of the Annual Report on Commerce and Navigation for 1908.]

Imported from—	1904.	1905.	1906.	1907.	1908.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Europe:					
Austria-Hungary		196	6	63	2
Belgium				16,995	
Denmark				50	
France	80	1,003	297	20	248
Germany	1,959	1,726	362	4,601	14,581
Greece		51			
Italy	4,869			3	793
Netherlands		354	44,278	12,839	25,612
Russia in Europe	100,489	245,402	148,768	367,351	173,028
Turkey in Europe	350	45	150	76	100
United Kingdom	6,646,800	7,132,290	8,186,500	8,063,762	9,515,369
North America:					
British Honduras		1	7		
Canada	2,157,566	2,064,024	2,170,388	2,324,319	2,435,389
Newfoundland and Labrador		3,800			
Mexico	1	1,008	1,004	575	
West Indies—					
British	3,900				
Danish	50		50		
South America:					
Colombia	160	2,000			
Asia:					
Chinese Empire	53,157,332	43,122,798	37,466,719	31,231,259	27,293,278
China—					
British	3,600		210	18,602	2,340
Japanese				9,643	
East Indies—					
British India	2,719,457	2,638,334	2,159,463	1,751,006	1,635,549
Straits Settlements	70,901	8,420	4,172	114	3,455
Other British	4,888,655	5,159,182	5,170,733	4,515,125	5,651,286
Dutch	2,175	7,628	1,000	5,905	223
French			4,738		
Hongkong	447,070	348,265	450,221	630,644	453,858
Japan	42,700,127	41,970,050	37,812,684	37,411,653	46,944,430
Russia—Asiatic				3,885	
Oceania:					
British—					
Australia and Tasmania		22			20
New Zealand					
Philippine Islands					3
Total	112,905,541	102,706,599	93,621,750	86,368,490	94,149,564
RECAPITULATION.					
Europe	6,754,547	7,381,067	8,380,361	8,465,760	9,729,733
North America	2,161,517	2,068,833	2,171,449	2,324,894	2,435,389
South America	160	2,000			
Asia	103,989,317	93,254,677	83,069,940	75,577,836	81,984,419
Oceania		22			23

Tea. (Free.)

Imported from—	1904.	1905.	1906.	1907.	1908.
Europe:					
Austria-Hungary		$72	$16	$21	$1
Belgium				6,960	
Denmark				17	
France	$32	255	87	7	56
Germany	277	409	112	1,080	2,198
Greece		5			
Italy	608			3	195
Netherlands		71	11,674	2,191	4,527
Russia in Europe	27,353	52,694	36,679	82,248	77,434
Turkey in Europe	63	13	22	22	12
United Kingdom	1,391,560	1,487 652	1,780,513	1,874,740	2,242,645
North America:					
British Honduras		1	5		
Canada	482,973	481,577	526,248	558,745	613,824
Newfoundland and Labrador		688			
Mexico	2	354	413	410	
West Indies—					
British	526				
Danish	25		23		
South America:					
Colombia	20	419			
Asia:					
Chinese Empire	7,238,611	5,903,077	4,925,289	4,181,583	4,016,939
China—					
British	443		21	1,583	409
Japanese				2,114	

Tea. (*Free*)—Continued.

Imported from—	1904.	1905.	1906.	1907.	1908.
Asia—Continued.					
East Indies—					
British India	$419,108	$359,532	$275,175	$224,793	$252,223
Straits Settlements	14,026	807	642	14	546
Other British	732,188	717,238	782,149	753,222	$41,992
Dutch	406	1,078	136	715	61
French			508		
Hongkong	55,516	45,027	74,920	108,042	72,362
Japan	7,865,573	7,179,880	6,166,246	6,115,386	8,084,435
Russia—Asiatic				1,648	
Oceania:					
British—					
Australia and Tasmania		9			10
New Zealand					
Philippine Islands					1
Total	18,229,310	16,230,858	14,580,878	13,915,544	16,309,870
RECAPITULATION.					
Europe	1,419,893	1,541,171	1,829,103	1,967,289	2,327,068
North America	483,526	482,620	526,689	559,155	613,824
South America	20	419			
Asia	16,325,871	14,206,639	12,225,086	11,389,100	13,368,967
Oceania		9			11

Mr. CURTIS. Mr. President——

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

Mr. NELSON. I do.

Mr. CURTIS. I simply want to join in the request of the senior Senator from Minnesota. I hope the chairman of the Finance Committee will consent to strike out that part of the amendment which may cause a duty to be placed upon tea and coffee. I am opposed to any provision which might result in a duty upon these two articles; and I hope the chairman will agree to withdraw the clause.

Mr. ROOT. Mr. President, I hope the suggestion of the Senator from Minnesota [Mr. NELSON] will be accepted. I do not think there is any such probability, any such practical possibility, of discrimination against the United States on the part of the countries producing tea and coffee for our market, as to make it necessary or desirable to include them in the special provisions of this maximum and minimum tariff clause.

We get the greater part of our coffee from Brazil. We buy some $60,000,000 worth a year. We are her great customer. Brazil is a firm and loyal friend to the United States, as the United States is to Brazil. I hope and believe that that relation will long continue. There never has been any indication of a willingness on the part of Brazil to interfere with that long-continued relation of friendship by any discrimination injurious to the United States. On the contrary, Brazil has already recognized, by discriminations in her tariff laws in favor of the United States, the fact that we are her great customer, the chief consumer of her great products of coffee. And I hope, sir, that we shall not include in this bill a provision which may seem as if we doubted the intention of that friendly Government to continue the same course which she has so long followed.

The other countries producing coffee, which furnish the minor part of our consumption, are also in most friendly relations with us, and there is no reason to suppose that it is necessary for us to include any such provision with reference to them. And the same is true with regard to the countries producing tea.

For these reasons I think we may well leave out of this provision any reference whatever to coffee and tea.

Mr. McCUMBER. Mr. President, the Senator from Minnesota [Mr. NELSON] stated that he is opposed to any tax upon tea or coffee. I wish to say that the committee is also opposed to any tax upon tea or coffee. It was never expected that there would be a tax upon tea or coffee under this bill any more than it is expected that there will be a maximum tariff against any of these countries. The reason of the maximum tariff on all of these articles is to give to this country certain advantages in its dealings with other countries, so as to enable us to secure justice to our own exports. It was thought at the time that as some of these countries have only tea to export and some of them have only coffee to export it was probably better to take those two articles off of the free list and place them upon the maximum list for the very purpose of being better enabled to reach the hearts and consciences of those countries which produce tea and are dealing with us.

I agree, however, to have this provision go out. I believe the statement made by the Senator from New York is correct, and that it is scarcely necessary as a club against any other country.

Mr. ALDRICH. Mr. President, the Senator from North Dakota [Mr. McCUMBER] has stated the reasons which impelled the committee to insert this provision. I fully appreciate the statements made by the Senator from Minnesota [Mr. NELSON] and the Senator from New York [Mr. ROOT] with reference to this subject, and I therefore ask that the amendment be modified by striking out the words commencing in line 2——

Mr. NELSON. After the words "ad valorem," in line 2, strike out the words down to "*Provided*," in line 7.

Mr. ALDRICH. No; that is not it.

Mr. BACON. I understand there is an amendment already pending to that effect.

Mr. ALDRICH. It is down to the word "pound," in line 5.

Mr. BACON. I understand, Mr. President, that there is already such an amendment pending.

The VICE-PRESIDENT. There is such an amendment pending. The question is on that amendment.

Mr. ALDRICH. Then I have no objection to the amendment being adopted.

The VICE-PRESIDENT. The amendment is the one offered by the Senator from Virginia [Mr. DANIEL].

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Idaho?

Mr. ALDRICH. I do.

Mr. HEYBURN. It is my purpose to offer at this or a proper time an amendment in the nature of a substitute. I was engaged in completing the drafting of it when the question was pressed for action. It will be to the effect that on and after January 1, 1910, and until July 1, 1915, there shall be paid, from any moneys in the Treasury not otherwise appropriated, to the producers of tea grown within the United States a bounty of 10 cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. That is as far as I had proceeded. I shall have the details conform to those of the sugar bounty.

Mr. ALDRICH. Mr. President, the suggestion of the Senator from Idaho is not pertinent to this paragraph.

Mr. HEYBURN. Let the amendment be made first, then, and then I will offer this later.

Mr. ALDRICH. So far as I can, I accept the suggested amendment of the Senator from Virginia [Mr. DANIEL].

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. DANIEL].

The amendment was agreed to.

Mr. ROOT. Mr. President, may I ask what the amendment was?

The VICE-PRESIDENT. The amendment has been agreed to; but for the information of the Senator the Secretary will state the amendment.

The SECRETARY. On page 2, line 2, after the words "ad valorem," strike out the following words:

And there shall also be levied, collected, and paid the following rates of duty on articles upon the free list in said section 1, namely, on coffee, 5 cents per pound; on tea, 10 cents per pound.

The VICE-PRESIDENT. The amendment has been agreed to.

Mr. ALDRICH. I ask that the section as amended be agreed to.

The VICE-PRESIDENT. Other amendments have been suggested. Does the Senator from Mississippi [Mr. MONEY] desire to have his amendment presented now?

Mr. MONEY. Mr. President, I can not offer it now, because I am unable to say a word about it. I presented the amendment with no expectation that it would prevail; but I did intend by it to show, in a few remarks, the absurdity of putting a flat rate of increase upon a bill that is full of inequalities, a great many articles of which now have a protective duty so high that many of them amount to 100 or 150 per cent; some 200 of them amount to over 75 per cent; and a great many more than that amount to over 50 per cent. I wanted to discuss that subject briefly, but I am unable to do so at this time.

Mr. ALDRICH. The Senator will have an opportunity when it reaches the Senate.

Mr. MONEY. I shall be unable to say anything on the subject if I must go on now, and shall be compelled to withdraw the amendment.

The VICE-PRESIDENT. The amendment is not presented, then.

Mr. CULBERSON. Mr. President, while the Senator from Virginia [Mr. DANIEL] had the floor I called his attention to the last paragraph of this section, which in effect creates a tariff commission of an indefinite number of persons, to be appointed by the President, without fixing the salary, thereby leaving it, as I take it, to the President of the United States.

I am opposed to the entire section, and therefore am opposed to the last paragraph, to which I have called attention. I am opposed to this paragraph because I do not believe there is any necessity for the creation of a tariff commission or that one should be created. I am opposed to it because the number of members of the commission is not fixed by law nor is the salary of the members of the commission fixed. In addition to that, under the present wording of the provision the President may appoint a partisan commission if he sees fit to do so. And to cure the defects to which I have called attention I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The Secretary will report the amendment offered by the Senator from Texas.

The SECRETARY. Amend the amendment by inserting, on page 4, line 4, after the word "required," the following:

Not exceeding 7, no more than 4 of whom shall belong to any one political party, who shall each receive a salary of $10,000 per annum.

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

Mr. CULBERSON. Mr. President, I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator from Texas demands the yeas and nays.

Mr. CULBERSON. I will modify the amendment by striking out "ten thousand" and inserting "seven thousand five hundred."

The VICE-PRESIDENT. The Secretary will report the modified amendment.

The SECRETARY. As modified it will read:

Not exceeding 7, no more than 4 of whom shall belong to any one political party, who shall each receive a salary of $7,500 per annum.

The yeas and nays were ordered.

Mr. ALDRICH. Mr. President, this is not intended to be a partisan or a nonpartisan commission. It is intended to assist the President in carrying out the work that is assigned to him by the provisions of this section. It is also intended that they shall examine all questions pertaining to tariff matters and the products of foreign countries, so that they may have expert knowledge in regard to discriminations. For that purpose they will need to be acquainted with industrial conditions in this country and in other countries.

It is not intended that this shall be a partisan or a nonpartisan commission, as I stated before. The President will take the very best men he can get, without reference to where they live or as to what their party associations are.

I think we can safely leave the matter to the President of the United States, who has the responsibility upon him of discharging his duty in this regard. I believe it is much wiser to do that than it would be to undertake to regulate the number of these persons, or their political affiliations, or the salaries that shall be paid them. I think money will be saved to the Government by adopting the course suggested by the committee.

Mr. BAILEY. Mr. President, if we are to believe what appears in the morning papers, that the administration has resolved to make the census a partisan matter, we certainly can have little hope that it will do otherwise with the tariff. I do not know that it is true; but the morning papers report that the present Director of the Census has indicated his purpose to make his appointments according to political affiliations so far as they are not withdrawn from him under the civil-service regulations.

If politics are to be injected for the first time into the taking of the census, which all men agree ought to be free from every consideration of the kind, I can have no hope that the administration will apply a different rule to the tariff.

I think the amendment offered by my colleague is a timely and a proper one, and I am rather surprised that there is any objection to it. If these facts are to be gathered for the information of Congress, the body which is to gather them ought to represent every shade of opinion on the subject. To ask us to leave it to the President, upon the ground that he will take that fact into consideration, is to ask us to authorize him not to do it if, in his judgment, it does not seem proper.

Mr. ALDRICH. Mr. President, I have not seen the statement to which the Senator from Texas has alluded; but I am perfectly certain that under this administration neither the Census Office nor any other public office will be made a political machine. I think I know the President of the United States too well to think that he would for a moment permit anything of the sort. I think no man has ever occupied that high office that has had higher and better ideas about the duties and responsibilities of the place than the present incumbent; and I feel perfectly justified in saying that it is not possible that the President should undertake to use any office as a political machine—much less one which, as in this case of the appointment of these men to make these examinations, involves no political question whatever, but involves only the interests of the great industries of the United States, and involves our relations with all the foreign powers. In this respect these men will be the special representatives of the President, and I can conceive of no more delicate and no more important duty that could be conferred upon any men than would be conferred by the appointments suggested by the amendment now pending.

Mr. BACON. If the Senator will pardon me a moment, I should like to draw his attention to the fact that the amendment proposes that these appointees—whatever name may be properly given to them—shall not only gather information for the benefit of the President in determining what shall be done under the powers given him under the amendment, but shall gather information which will be useful to Congress in tariff legislation.

Mr. ALDRICH. Unquestionably.

Mr. BACON. That goes very much further, Mr. President, and does in some manner invade the field of political divisions and contentions. For that reason it seems to me the language of the amendment should be very carefully guarded in this respect. If, as stated by the Senator, the investigations of these men were to relate solely to matters which concern the President, and they were to be his personal representatives, the matter would be very different from what it is under the provisions of the amendment. But the amendment goes very much further than that.

I do not know that the Senator heard what I said.

Mr. ALDRICH. I did.

Mr. BACON. I said that if the work of these men related solely to the gathering of information in order that the President might determine whether he should impose the maximum or the minimum tariff, then they would be his personal representatives.

Mr. ALDRICH. Mr. President, I think the Senator will agree with me, even from that standpoint, that this information ought not to be gathered by men with a partisan bias. It ought not to be expected that Congress would limit this commission to a point where there would be certain to be two reports, upon political lines, upon every question. I can imagine nothing which would be more detrimental to the purpose we have in view than a partisan commission sent out to gather information with reference to one political view or one economic view or another. I think it would destroy the usefulness and the purpose of this commission, or whatever you please to call it.

Mr. BACON. The Senator and myself do not disagree as to what influences should control these men, and it is for the very purpose of preventing the evil which the Senator points out that I think there ought to be more than one class of representation upon this commission. All men, unavoidably and necessarily, even the Senator from Rhode Island and myself, have some partisan bias, and those who may be appointed may be the fairest of men and still have some partisan bias.

The only way to prevent a report which will be biased is to have a diversity of political views upon the matter. Secure if you please men who are of different political parties and men who have differing political views, and we will secure, not a

division of report, as suggested by the Senator, but such a report as, upon an interchange of differing views among different men, fair men, conservative and nonpartisan men, will be a nonpartisan report. For the purpose of getting a nonpartisan report I think there ought to be this balance of conservative and differing views, a balance which would not make the report one-sided, but would make it conservative.

Mr. ROOT. Mr. President, I hope the Senator from Texas and the Senator from Georgia will consider one aspect of the proposed amendment which has a very powerful effect upon my mind, and that is that such a provision would accomplish the very object which they desire to avoid by injecting politics into the commission. I have lived for many years under a bipartisan government in the city of New York, a government established and maintained under an elaborate system of checks and balances designed to prevent either political party from having control. The result of those laws in all the multitude of cases in which they were enacted was invariably to make the most bitter, hidebound partisan government, because every appointee under such a provision considered that he was appointed as a Republican or as a Democrat and that he was bound to do all he could in administering the office for the benefit of his party.

Mr. BAILEY. Does the Senator think that is true in the case of the Interstate Commerce Commission?

Mr. CULBERSON. Or the Board of General Appraisers in New York?

Mr. ROOT. No; I think there are probably exceptions.

Mr. BACON. Or the Board of Commissioners of the District of Columbia?

Mr. ROOT. There are probably exceptions.

Mr. MONEY. I will ask the Senator from New York if he thinks that was the case with the former tariff commission, which was appointed from both political parties?

Mr. ROOT. I am not familiar with the personnel and history of that commission.

Mr. MONEY. I am quite familiar with it. If the Senator will permit me a moment, that commission was formed and prepared a bill that was referred by the House to the Committee on Ways and Means. The committee took it up and reported a House bill. The House took that up and set the bill aside and passed its bill. It came over here and was referred to the Finance Committee, and they reported a fifth bill. Then when it went into the Senate the Senate passed still another bill, and when it went into the conference the conference did not agree on any of these propositions. That is the fate of the work of these commissions.

Mr. ROOT. The present President of the United States was for many years the president of the Philippine Commission and governor of the Philippine Islands. I will undertake to say that although there was no limitation of law upon the appointment of officers under that government, there never was an officer appointed regarding whom the question was asked whether he was a Republican or a Democrat.

Mr. BACON. If the Senator will pardon me, I can say he will not go further than I will in testifying to those qualities in the present Chief Magistrate, but we are not passing a bill with reference to one Chief Magistrate. We are passing a bill that, so far as we know, is to remain as a part of the law of the land. While I will join the Senator most cordially in the encomium he pronounces upon the President of the United States, we are not legislating with reference to that. We are legislating with reference to the possibility—and not only the possibility, but the very great probability—that some man may be President who will not possess in such an eminent degree those most estimable and admirable qualities which distinguish him.

Mr. ROOT. If the Senator will allow me, I will proceed. I made that as one of a series of propositions I have in mind. The President was also for years the Secretary of War of the United States. I think the Senators who are here, from their own experience, will support my statement that for many years now the appointments under the War Department, both in the military service and on the civil side of the War Department, have been made without question as to what were the politics of the appointee. In the Cabinet of which the present President was a member, the foreign service of the United States was subjected to a series of regulations imposed by the President upon himself and upon the procedure under him, subject always to the assent and confirmation of the Senate, a part of which is the provision which is made binding upon the Secretary of State and upon all persons taking part in the recommendations for appointment that the examinations and the appointments to the foreign service, except of course the very highest, ambassadors and ministers, were to be without regard to political affiliations.

I think all Senators will support me also in saying that during the past three years, since the consular classification act was passed making those regulations possible, there have been no inquiries made as to what were the political relations or affiliations of the persons appointed to office in the foreign service below the principal positions. There has been a complete revolution in the method by the introduction of a method under which the Democratic Senators from Democratic States were consulted regarding the candidates for office from their States exactly as were the Republican Senators from Republican States. The whole trend of government is in that direction.

It appears to me that the force of accumulated public opinion, the force of continued action, the general acceptance of the principles of nonpartisanship as they have already obtained and abound and continue in our Government, constitute a so much stronger motive toward making a nonpartisan commission that it would be a pity to put in a provision which would compel its being a bipartisan commission.

Mr. MONEY obtained the floor.

Mr. CLAPP. Will the Senator pardon me if I ask a question of the Senator from Rhode Island?

Mr. MONEY. Certainly.

Mr. CLAPP. Is this designed, I inquire of the chairman of the committee, to be the so-called "tariff commission?"

Mr. ALDRICH. It covers tariff questions as well.

Mr. CLAPP. Is it the purpose of the committee to report an additional tariff-commission plan?

Mr. ALDRICH. No; no other but this.

Mr. MONEY. Mr. President, I think we are not lacking in our regard for the distinguished gentleman who is now President of the United States, but in the mysterious dispensation of Providence that good man may die, and then we might have a bad man, like the Presiding Officer of the Senate, to deal with in that high place, and he might appoint a lot of ALDRICHES or ROOTS or other distinguished gentlemen who are for protection exclusively, who would be able to advise him as to what he should do, and who would propose legislation to this body entirely satisfactory to themselves. Everybody knows the high character of those two distinguished Senators. No man here would disparage them for one single moment.

I have had a very long acquaintance with the distinguished chairman of the committee, and yet I have never heard that he was anybody's particularly good little Sunday-school boy. I do not know that he was ever shot at for an angel. [Laughter.] I think he is here to take care of the protected interests of this country first, last, and all the time, according to his own explicit declaration when he announced what was the controlling principle in making up this tariff.

I am opposed to a commission for a tariff or for anything else that is to be a sort of legislative annex. If the Senate and the House through proper committees can not ascertain what is best for this country, we had better resign and let other people come here who can do it.

But if it is necessary to have people to advise the Senate and the House upon this very important question, which is of vital interest to the whole country, it should be strictly nonpartisan. I can not admit the proposition of the Senator from New York that you are to make it a nonpartisan commission by making them all partisans. We have heretofore believed in this Chamber that the way to get a nonpartisan commission was to see both sides represented. It transpires now that under the new evolution of thought the way to get a nonpartisan commission is to appoint all of them on one side. Then, I suppose they will be thrown upon their honor, their good behavior, or something besides good judgment to make suggestions relative to taxation and other important matters.

The junior Senator from Texas alluded to a newspaper report this morning. I want to say that I pay as little attention to what appears in the newspapers and to newspaper reports as any other man. I do not know whether there is any truth in the statement that appears in the newspaper or not, but it is a significant fact that the last national Republican committee is to appoint a great many census supervisors, and that the state Republican committee at the same time is to have the appointment of supervisors, and that the little postmasters throughout the South are to have the appointment of enumerators. In my own county the postmaster of a little town of 300 appointed the enumerator of the census. He was supposed to take the census in the district where I live. He never came to my house or any other house in the neighborhood, that I heard of; but the census was taken—how, I do not know—but it adds to the sum total of the absolute irresponsibility of that great bureau and its absolute unreliability. I would not give 5 cents for the work of the last census. I know there was laid upon my desk one morning a monograph bulletin, No. something, about the Mississippi

Delta. There was not a word of truth in it from one end to the other—not one single word.

I went down to interview Governor Merriam and asked him to burn it up. He demurred to that as a loss of labor. I called upon the man who wrote it. He did not belong to the census and is now a member of a scientific bureau in this city, in the government employ. I asked him if he had ever been in Mississippi. He said he never was. I said, "Did you ever see this country that you have described?" "I never did." "Where did you get your information?" He said, "I got it from the notes of the Geological Survey." There never was a geological survey of Mississippi by the General Government. The latest survey was, I think, in 1854. He had given information about a country which is now more thickly settled, more filled by railroads, street railways, electric-light and gas plants, oil mills, cotton mills, than any other part of the whole State; and yet his description was that of a vast morass with a few squalid inhabitants, fever stricken, who had to build houses on stilts to avoid floods. That issue of the bulletin was burned. I was asked if I would furnish a bulletin, and I sat at his desk and dictated a bulletin, and when it was printed I did not know it. The superintendent had made a compromise between the paper that was all lie and the paper that was plain truth.

He said that my paper looked too much like an advertisement of a county for sale. It arose from the absolute overabundant ignorance that prevails in that department.

If we are to have a commission at all it should be nonpartisan. I will not question the sincerity of the Senator from New York or the Senator from Rhode Island when they say they think the best results will come from the commission if it has no acknowledgment of political division in it. The commission are going to report exactly what they think is best. If they are protectionists they will think that is best. If they are free traders they will think that is best. If they would go according to the Constitution and legislate simply for revenue, and they have no authority to do anything else under that instrument, they will think that is best. You can not expect to get a free trader out of the Republican party. You can not expect to get a revenue producer out of the Republican party. You can not expect to get a protectionist out of the Democratic party, although according to the votes we have had here, if one-half of the tariff was left to the extreme protectionists and the other half to the free-trade list, there would not be a dollar in the Treasury in six months; between them they would kill the public revenue.

What we want is first to discharge our duty and produce revenue. I have no objection to the President receiving all the information he can get. Of course it is not expected that a man so eminent, with his gifts and his qualifications, no matter how extended his learning and his experience in tariff matters, can do it all by himself, and he should have advisers of the proper sort, who would be useful to him in making such suggestions as he may need.

I want to say if this maximum-rate business goes into law, he will have ample use for a great many. In the first place, if the maximum provision becomes a law the 31st of next March, and provides in its terms that it shall be the tariff law of the United States after that date, then all the countries with which we have business will be immediately put upon that maximum list. The President then, according to the advice he may receive—I suppose he can not evolve it out of his inner consciousness—has got to be told something by somebody. He can not believe unless he hears, and he can not hear unless the words are preached. So at last he has got to be advised by somebody. I take it for granted that he will get it from the gentlemen who have presided over the destinies of this bill, and he will not hear anything from the minority of the committee or the minority of this House or the other House upon the question as to whom he shall appoint. I take that to be true.

Now, Mr. President, reverting again to the matter brought here by the Senator from Texas, which, I think, was quite pertinent in this connection, the rumor has been flying around here for a week that all the supervisors of the census will be appointed by the honorable Postmaster-General. I do not know whether that is true or not. He seems though, by common consent, to be the possessor of all political power in the administration of this country.

If that gentleman is to preside over the appointment of these officers, then I for one will never consent to their confirmation by this Senate; and I do not propose that the long struggle that has been going on shall prevent the Senate from having anything to do with the confirmation of these supervisors of the census. I know one thing. Whatever that distinguished gentleman may be doing, I have never been able to find him in the Post-Office Department. I have called on him several times, and that is about as many times as I have called at all the other departments of the government put together, and probably more, and I have never been able to see him. I find my experience is the common experience of the whole Senate on this side of the Chamber. I presume that his political cares are so engrossing that he has no time to attend to the administration of that department which he is called to preside over.

But getting back to this matter. Before it goes to a vote I was very anxious to say something about this question of the maximum rate. I will not be able to do it, for I see the things hastening to a conclusion and I am not anxious to retard and prolong the session. I want to say a few words more, however, because I am going to leave this Chamber. It may be that we will come to a vote this evening. As I said, I will not retard the progress of things simply to submit a few unavailing remarks and to submit an amendment which I myself do not care to see passed, but is only intended to expose what I consider the inequalities and gross inequalities of this matter.

I will make one remark for the benefit of the Republicans who believe in free lumber. According to the law, as you will have it in not quite a year, the minimum rate upon your lumber will be a dollar and a half for rough lumber. When it takes the maximum rate it is $5.75. Now, you can consider that one proposition when you come to vote on the maximum rate. Of course, when the President discovers that he has advisers at work he will immediately, I presume, unless he is withheld by some influence, declare that Great Britain and Holland, both free countries, shall have their goods admitted at a minimum rate. But what about the three greatest business correspondents we have after Great Britain? First, Germany; second, Canada; third, France. They all discriminate against us in some respect. They have more or less export bounties. They have otherwise some exportations, and everything that comes from them will be put upon the maximum list.

Mr. President, when the Dingley law was passed it was a common understanding, never expressed, I believe, in words on the floor of either Chamber, that 20 per cent had been added to be given away in securing a reciprocity treaty. You recollect the double-barreled provision in the act. The President himself, by a certain convention, could effect some reduction, and he did some seven or eight, I believe. Then there were a great number of treaties—I have forgotten how many. We had 133 in the Foreign Relations Committee at one time. They were negotiated by a very able gentleman—Mr. Kasson—a Republican, and, as I understood it, a protectionist.

Not one of them was ratified by the Senate, and the 12 per cent that was added to be given away remained. The people of the United States were taxed ever since 1897 this 20 per cent additional, simply put on as a lagniappe to be given away to secure recessions from the tariff duties of other countries. We never got the recessions. I recollect we had a treaty of Paris, which my distinguished friend from Rhode Island spoke two days against in the Committee on Foreign Relations. That was a treaty that was worth all the others negotiated by this country, but it was not ratified.

Whether it is intended that this 20 per cent ad valorem shall remain forever, or until repealed by general act, on the statute book as a tariff law of this country, as the 20 per cent in the Dingley law, as the events have transpired, prove to have been the intent and purpose, I do not know. But judging the future by the past, I am not charging anybody with double dealing, but it seems to me that it is the intention that this country shall labor under an additional 25 per cent of taxation upon imported goods for the vast bulk of things we get from abroad, cutting out the two branches mentioned. It is a very serious business. When you come to extend this to the people of the United States on the 31st of next March there will be something said and something will happen, and we had just as well take notice now.

Mr. President, I did not intend to speak this long, and I do not intend to speak any more.

Mr. McCUMBER. Mr. President, the Senator from Texas [Mr. CULBERSON] or the Senator from Mississippi [Mr. MONEY] wholly misunderstand the purpose of this commission, or I misconceive its object. I for one can not vote for any commission that would have power to propose legislation to Congress. I do not understand that this commission is for that purpose. I am not in favor of any commission that is to usurp the ordinary powers of Congress.

I understand that these persons who are to be selected, whether you call them a commission or otherwise, are simply to secure facts. They are not to secure Democratic or Republican or Socialistic facts, but simply to secure facts upon which Congress may intelligently act. I do not care, therefore, whether

they are Republicans or Democrats or whoever they may be. I have assumed that the President of the United States will, so far as possible, select present employees of the Government to secure the information that is necessary.

The Department of Commerce and Labor, the Department of Agriculture, and other departments and bureaus have their experts traveling in Europe to-day to secure essential facts that are necessary for the legislation of this country. I believe that the President would first call upon them as far as possible. He may need other experts. He may need others to collect and collate these facts and to tabulate them for his use, but I do not believe it is intended or proposed by the President that he shall secure a body that is to advise Congress as to what character of legislation it is to enact. I would not be in favor of any such commission.

Therefore, Mr. President, I am not in favor of either limiting the number or fixing the number that the President shall employ. I am opposed to either fixing their salary or doing anything else in reference to them, in confidence that the President will only allow to be paid out such salaries as are the usual salaries for the like character of service, and that he will employ no more than is necessary. In addition to the experts we have traveling over the old countries to-day, we have those engaged in the customs service in New York and other ports of entry, and of course the President will naturally secure from them a great deal of information.

If I understand the object of the commission, it is to be a commission that will give us the necessary facts as to the cost of production at home and abroad, so that whenever we need to change our present tariff we will have what we have not had to-day as clear as we ought to have it, at least—the exact cost of the foreign production of any country, the exact cost of the production of that article in this country, and the undervaluing of articles sent into this country. We need definite information upon this subject. It makes no difference whether all the persons who are to collect this information belong to one party or all belong to another party. I am opposed either to a partisan commission, a nonpartisan commission, or a bipartisan commission.

I want the President to be entirely at liberty to secure the best expert knowledge he can get on the subject for the purpose of presenting to Congress information in the future and for the purpose of bringing to the executive department information upon which the President can determine whether the rates of any country are discriminatory against the goods of the United States. When we have put that power into his hands, I think that we can safely trust the President of the United States to secure the proper material to bring those facts to his notice.

Mr. DOLLIVER. Mr. President, I desire to make a parliamentary inquiry. What is the pending proposition?

The VICE-PRESIDENT. The pending amendment is that offered by the Senator from Texas [Mr. CULBERSON] to the amendment offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. DOLLIVER. I desire to offer an amendment, but I shall wait until the pending amendment is disposed of.

Mr. NEWLANDS. Mr. President, I favor the amendment proposed by the Senator from Texas [Mr. CULBERSON], because I hope that the board of experts provided for by that amendment will, by a process of evolution, gradually grow into a commission, to be known as the "tariff commission" or the "foreign commerce commission," which will act upon these matters in some such way as the Interstate Commerce Commission acts upon matters relating to interstate transportation, either persuasively, in the way of recommendation to the President and to Congress, or decisively, under a rule fixed by Congress. I can not but think that every Member of this body must be convinced, after four months of session, that the method of ascertaining facts hitherto pursued here is totally inadequate.

The only question which this body was called upon to determine under the rule laid down by the Republican party in its platform was the difference between the cost of production in this country and abroad, with a profit to the American manufacturer added of the various commodities covered by this protective tariff—a mere question of fact, which could be ascertained by a competent tribunal upon proper evidence in a comparatively short period of time; and yet the Senate of the United States, composed of 92 Senators, has been in session for three months and has not yet been able to determine this important question of fact regarding the commodities covered by this tariff, except in perhaps a few instances.

So far as the determination of duties is concerned, of course that is a question which belongs to Congress, just as the question of the determination of rates in interstate transportation is one to be determined by Congress. Had Congress sought directly to act upon all matters relating to interstate rates, we can readily understand how the entire time of Congress would be taken up in this work with the hearing of complaints, with inquiry into facts, and with the determination of rates, and how utterly impossible it would be for a body of this size, whatever its capacity, to adequately meet that duty. We have very wisely turned it over to a commission.

First we gave that commission, in the main, the mere power of recommendation, but we have gradually enlarged their powers, and though our action has met with universal opposition on the part of the transportation companies, we find to-day that there is a general satisfaction with the result, and that we are gradually securing stability in the interstate rates of transportation of the country, and stability is of the highest importance, not only in transportation, but also in production.

Stability of duties is just as important to production as is stability of rates to transportation and to commerce. I hope that the time will come when this question of duties will not be determined as a mere partisan question, but that it will be determined scientifically by some tribunal organized by Congress for that purpose, and acting, as I have stated, either persuasively by recommendation or decisively under a rule fixed by Congress.

So far as the Interstate Commerce Commission is concerned, that commission is a nonpartisan commission, or, if you prefer the term, a bipartisan commission. It has worked well. There is hardly any criticism indulged in regarding the organization of that commission or its membership, and it seems to me that it is an example that we could well follow in the preliminary steps leading ultimately, I hope, to the creation of a tariff commission or a foreign commerce commission.

For that reason, whilst the amendment of the Senator from Texas does not cover all of the ground that I should cover by an amendment which I would like to offer if I thought there were any chance of its passage, yet because it is a step in that direction I shall favor the amendment.

Mr. STONE. Mr. President, we have several examples of nonpartisan commissions. That kind of commission has had the general indorsement of Congress in the past. I can not conceive of a case where the demand for a nonpartisan commission, if we are to have one, is stronger than in this case, where the commission is to be appointed, among other things, to accumulate information for use in legislation and to make suggestions to Congress as some sort of basis for the construction of tariff laws.

The Senator from North Dakota [Mr. MCCUMBER] has said that the President might employ officials who are now going about over foreign countries gathering information such as he needs. It is not necessary to enact this clause in the proposed amendment to give the President authority to do that. He can command that information under existing law; he can now require such officials to collect and submit that sort of information to him without this provision; but if we are to have a new commission, especially created for the purpose of gathering and collating information for the use not only of the President, but of Congress, and to influence the congressional judgment in the framing of tariff laws, it ought to be nonpartisan in its character if it is to have the confidence of all.

It is a strange proposition to say that the best way to secure a nonpartisan commission is to make up a commission wholly of members of one party. I do not think, Mr. President, that the findings of a commission of a purely partisan character, that is made up wholly of men of one party and of men believing in one theory of tariff taxation, will command the general confidence and respect of the legislative mind or of the people at large; and, if we are to have such a body, it ought to be a body so constituted that its work will command universal respect.

The Senator from Mississippi [Mr. MONEY] called attention this morning to the effect of this maximum clause on lumber when applied to countries that discriminate in any of their tariff rates against the United States. I want to call attention to another instance where it would operate to the detriment of the public interest: A few days ago I think I demonstrated before the Senate that the International Harvester Company of New Jersey was an unlawful and criminal combination, and that it monopolizes the American market. That trust is a large exporter to foreign markets; but it is true, nevertheless, that some countries, France particularly, discriminate against the United States with reference to agricultural implements. Our chief competitors in France are England, Germany, and Sweden; and the manufactures of those countries—I mean agricultural implements—are admitted into France at the minimum rate imposed by the French tariff law. While American productions must bear the maximum rate, the Englishman and the German can enter that market at the minimum rate, or for two-fifths less than the American can enter it. Hence, if this amendment is adopted, because of this discrimination an addi-

tional tariff duty of 25 per cent will be levied against importations from France of agricultural implements to the United States, and to that extent you will strengthen still more the already powerful hold this great harvester trust already has upon the markets of this country. I wish to supplement what the Senator from Mississippi said by fixing your attention upon this additional example.

Mr. President, in looking into matters of this kind, in gathering information, reliable and authentic information, with regard to this whole subject, to be brought here and laid before Congress for our use in the future, I insist that it ought to come here as work done by a commission as free as possible from all partisan bias or color.

Mr. CARTER. Mr. President, the commission proposed by the pending amendment is not to be a commission appointed for the express purpose of advising Congress as to the kind of tariff legislation it should enact, nor will it be a commission to do anything as the agent or servant of Congress.

Early in the session it was proposed to create a tariff commission to be continuous and to act as an advisory body to Congress. A variety of views obtained as to the extent of the powers to be conferred upon that commission. Some Senators thought that the Congress should, in substance, delegate to the commission the right and power, in the first instance, to prepare a tariff bill. A modified view contemplated the mere collation of data for the use of the committees of Congress. I took occasion at that time to say that the framers of our Constitution having vested in the Congress the power and imposed on this body the duty of framing revenue legislation, the Congress was not at liberty to delegate that important power and grave duty in whole or in part to any subordinate body.

The power is in the Congress; and therefore the duty rests upon the Congress, and it is one of the powers and duties which, in my opinion, can not be delegated or avoided.

The closing sentence of the amendment under consideration does not create such a commission as that contemplated by the Senators who addressed this body in extenso on this subject early in the session. First, the amendment itself imposes upon the President a very grave and important duty, a duty fraught with as serious consequences to the well-being of the commerce of this country as any ever imposed upon the President by any act of Congress. It places in his discretion the fixing of rates of duty within a range of 25 per cent ad valorem, and leaves to his sole discretion the ascertainment and determination of the facts upon which the higher or the lower duties shall obtain. Very naturally, in connection with that grave responsibility, the most critical scrutiny and examination will be necessary to enable him to reach an enlightened judgment on any given state of facts.

The Senator from Nevada [Mr. NEWLANDS] suggests that the President can now call upon the officials of the Government for the identical information which would be secured through the processes contemplated by the closing sentence of the amendment. It is well known, Mr. President, that, with the exception of a few chief officers of the Government, the vast majority of our clerical force is appointed through the agency of our Civil Service Commission.

That commission inquires into certain technical accomplishments of the applicant. It has always been my opinion, and I entertain that opinion now, that the Civil Service Commission, in the only examination it can conduct, will never adequately respond to public requirements in the selection of individuals to discharge duties calling for the exercise of judgment and discretion. The task to be imposed upon those to be appointed by the President under this amendment will require judgment, discrimination, and discretion of the very highest order. That the President will be careless in the selection of the investigators, upon whose conclusions his own good fame will rest, is beyond anyone's serious belief.

To import "nonpartisan" into this amendment would be, in my humble judgment, ill advised. To designate a specific number of persons to be appointed at stated salaries would be equally ill advised. It may be that at a given time the President will require the services of several times seven men, all of equal capacity, and at other times he might not require the services of anyone at all.

The very use of the term "nonpartisan" in a legislative measure compels the appointing power at once to enter upon the domain of party politics, and to inquire as to the party affiliations of every applicant or person being considered in connection with the place. If a mistake is made or if change occurs, because one of the appointees changes his political affiliations, then, according to the letter of the law, the appointing power would be at fault, as a resignation might be in order with every change in the political views of the persons appointed.

But, Mr. President, the first and important duty of the persons appointed to investigate in conformity with this amendment will be to enable the President to wisely and prudently administer the grave trust reposed in him by this amendment; and you may run the gamut of all legislation from the early days of the Republic down to this hour and you will seek in vain for any act vesting greater power in the President than that which is vested by this amendment. That power may affect for good or ill the commerce of the country or any of the articles entering into the commerce of the country. It may result in serious difficulties with foreign powers; it may tend, by its injudicious use, to disturb the equilibrium of our foreign relations.

The second duty imposed upon the commission is not a duty with reference directly to Congress, but it is to enable the President to intelligently execute the duty imposed upon him by section 3 of Article II of the Constitution, which provides:

> He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

In connection with any message he may send on any subject relating to the tariff or proposed modifications of it, it would necessarily follow, and happily follow, too, that the facts and figures collated by the agents appointed by him would enable him to give a broader, a better, and at the same time a more accurate estimate of the conditions to be dealt with.

But the amendment does not only contemplate advising the President as to the limits and conditions of his action under it, nor does it stop with the collation of facts to enable the President to recommend to Congress intelligently matters of legislation, but also contemplates that the information so gleaned may be useful in the administration of the customs laws. So that there are three purposes; first, to enable the President to intelligently administer this particular section of the law to be made up by this amendment; second, to enable him to intelligently recommend legislation to Congress affecting the economic questions contemplated by the amendment itself; and, third, to give needed information to the officers of the Government charged with the administration of the customs laws.

Mr. President, as I have heretofore stated, sometimes seven persons will be required to discharge this duty effectively and at other times three; and sometimes 50 persons may be required; and their salaries will not, of course, be equal one with the other. Some will be performing expert clerical work, and others will be prosecuting original investigations, requiring a higher order of talent and a greater amount of ability. So that to confine the number to seven, to fix the salaries, and to impose the necessity upon the President of at once entering into the consideration of partisan relations, would, to my mind, be wholly at variance with the broad and liberal purposes of this amendment.

Mr. SHIVELY. Mr. President, the doctrine announced to-day that what the effect of our legislation shall be, what, in fact, the law shall be, depends not on what we do here, but on what shall be the character of the citizen who is Chief Executive from time to time, is a novel doctrine. That in the preparation of general legislation, which we must presume may be in force for a series of years, we are to do a particular thing or refrain from doing that thing; that we are to enact legislation or refuse to enact legislation because of the personal character of the President is, I repeat, a new and startling doctrine in this Chamber, and a doctrine to which I now record my emphatic dissent. It is the business of Congress to enact that which should be the law. It is the duty of the President to enforce that which is the law, or shall be the law, when under the law he is required to act. It is not the business of Congress to consult the personal character of public officials and make an estimate of such character the test of what the law should be.

Mr. President, the real difficulty here is in the character of the amendment reported from the Finance Committee and advocated by the Senator from Rhode Island [Mr. ALDRICH], and to be known as section 2 of the pending bill. After months of inquiry, study, dispute, and controversial speech making, the Senate has concluded what are known as the "dutiable" paragraphs of this bill. It has been apparent at every stage of this discussion that it has been a matter of grave doubt—and in most instances of doubt still unsettled—as to what particular rate would constitute a due discrimination in favor of the domestic product. However well or ill founded these doubts, the dutiable schedules have been finished and the amount of the duty in each dutiable paragraph has been fixed. Have not Senators and the country believed that the duties thus determined and fixed in these schedules and paragraphs are the duties to be assessable and collectible at the custom-houses of the United States?

But the Senator from Rhode Island [Mr. ALDRICH], on the authority of the Finance Committee, brings into the Senate this

amendment which, not by proclamation by the President of the United States on investigation, not by action of any official of the Government on the ascertainment of a fact or state of facts, but by the operation of the act itself, 25 per cent ad valorem is to be added on every dutiable article to the duties already fixed by the action of the Senate in section 1 of the bill. Such additional duty is by the express words of the amendment to go into effect on March 31, 1910. The duties thus compounded by the very terms of the amendment are to "constitute the general tariff of the United States." The duties thus augmented are defined by the proposed statute not as the conditional tariff, the contingent tariff, or the maximum tariff, but as "the general tariff of the United States." These are the only words between the first and last lines of the proposed bill that give a definition of what shall constitute our general tariff. They are the only words to which any court could recur as defining the general tariff of the United States.

As I had occasion to point out some weeks ago in this Chamber, it is not the case presented by the act of 1890, where a few articles may, on the ascertainment of certain facts, be subjected by proclamation of the President to duties when imported from so-called "offending countries." It is not the case presented by the act of 1897, whereby duties may be reduced in certain cases by treaties with foreign governments with relation to them and in consideration of trade advantages derivable from such treaties. This is a case where all the thousands of articles in the dutiable paragraphs are to become by operation of express provision of law subject to the additional duty of 25 per cent ad valorem on such articles on the date prescribed in the proposed amendment, which is to constitute section 2 of the proposed act.

These rates are to go into effect and remain in effect as to all countries and until the President shall be satisfied as to a long series of things, each one important, touching the duties, bounties, and trade regulations, charges, and other things relating to foreign trade in force under the law of any foreign government, and then shall become satisfied that by none of these things does such government discriminate against the "United States or any product thereof;" and then shall become satisfied that such government does not unduly discriminate in any of the respects named against our products "in view of the character of the concessions granted in the minimum tariff of the United States." Then these compound rates will still be the general tariff of the United States until the President issues his proclamation putting in operation the minimum tariff as to the products from that country. So the President must proceed to investigate as to all things connected with the foreign trade relations of each foreign government, and until he shall have so investigated and satisfied himself as to all the conditions and requirements set forth in this amendment the rates we have adopted here in the past few weeks can not be and will not be the general, uniform, and prevailing rates at the ports of the United States.

The President may issue from time to time his proclamation as he becomes satisfied as to the things named in the statute. What I regard as a physically impossible task, in the process of becoming satisfied, is assigned to him. We have spent months on this bill. To this hour, with the exception of one or two articles, no Senator can state definitely the difference in the cost of these dutiable articles at home and abroad. There is exhibited a vast difference of opinion by Senators equally candid and well disposed to legislate in the light of the actual facts. As I have had occasion to observe before, their views are still so far apart as to hardly conflict. Yet on the President is imposed the task of understanding the intricacies and details not only of our own tariff, but of mastering the tariffs, export bounties, trade regulations, charges, and other details connected with the foreign-trade regulations of every other government on earth, whose people have, or seek, trade relations with the people of the United States.

Make no mistake about it. The words "in view of the character of the concessions granted by the minimum tariff of the United States" mean something. They are words of legal significance, or should not have been employed. They will be read with emphasis in the contests this amendment will bring on. They will be quoted as of persuasive, if not conclusive, force, when the beneficiaries of the additional 25 per cent go before the Department of State claiming the benefit of the "general tariff of the United States."

Every duty imposed on the President is imposed in view of the character of these concessions. The rates we have been adopting are by this amendment construed as concessions. Concessions to what? To the trade of foreign countries. If words are to be given their natural meaning, then these concessions must be regarded as raising obligations which must be met and canceled by foreign governments by concessions which shall be "reciprocal and equivalent."

Of course however plain or obscure may be the language of this amendment, it is easy to see how it may strike different Senators differently. Those who cherish the doctrine of riches by statute and prosperity by taxation may regard this 25 per cent additional duty as a fortunate thing. To those who failed to secure all they wanted in section 1, this increase in section 2 may come as a welcome boon. Certain it is that the effort to remit these duties as to any country will not be an ex parte proceeding, so far as its interested beneficiaries are concerned. In the act of 1897 the additional 20 per cent ad valorem on a limited number of articles was regarded as trading stock wherewith to negotiate treaties by which to annex trade. It was so regarded when it was placed there.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. SHIVELY. I do.

Mr. ALDRICH. I suppose the Senator from Indiana refers to the act of 1897?

Mr. SHIVELY. I do.

Mr. ALDRICH. Not to the act of 1890?

Mr. SHIVELY. The act of 1897,

Mr. ALDRICH. The Senator is entirely mistaken if he supposes that any such idea as that has been conceded by anyone. Statements of that kind have, of course, been made, but they have always been denied.

Mr. SHIVELY. What was it placed there for?

Mr. ALDRICH. What was what placed there for?

Mr. SHIVELY. The additional duty of 20 per cent on certain articles.

Mr. ALDRICH. There was no additional duty of 20 per cent placed anywhere. The Senator is mistaken as to his facts.

Mr. SHIVELY. Is it assumed by the Senator that those trade treaties that were negotiated with foreign governments and defeated by the Senate committee, had no relation to the act of 1897?

Mr. ALDRICH. That is not what the Senator was discussing, as I understood him.

Mr. SHIVELY. What I am discussing is this, if the Senator from Rhode Island pleases: I am showing what the difficulties are that will confront the President of the United States when he comes to the question of remitting these duties and putting in effect the minimum rates. I was about to point to the fact that after the act of 1897 went upon the statute books, President McKinley, at first, and afterwards President Roosevelt, did negotiate a long series of treaties. Those treaties were sent to the Senate. They were referred to the proper committee. I am informed that the Senator from Rhode Island, and I do not know what other Senators, appeared before that committee and opposed favorable report upon those treaties. This 20 per cent ad valorem was talked about and considered to be trading capital on which to negotiate treaties with foreign countries; yet, as a matter of fact, every treaty negotiated in pursuance of the act of 1897, except that with Cuba, was relegated to the limbo of forgotten dreams by the Committee on Foreign Relations, and this on the advice and counsel of the Senator from Rhode Island.

Mr. ALDRICH. Mr. President, the only thing I was finding fault about was the Senator's statement that an additional duty of 20 per cent was imposed upon articles in the act of 1897 for the purpose of trading. That is not true. There was a provision in that act which allowed the President to negotiate treaties within certain limits, and certain treaties were negotiated, but were never acted upon by the Senate. I think the action or nonaction of the Senate in that particular was extremely wise, and I think if the Senator from Indiana had then been a Member of this body, he would never have voted for the confirmation or ratification of any one of them. They were practically rejected by unanimous consent.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Will the Senator from Indiana yield to the Senator from Texas?

Mr. SHIVELY. Certainly.

Mr. CULBERSON. I desire to call the attention of the Senator from Indiana to the fact that the Senator from Mississippi [Mr. MONEY] this morning stated in this Chamber that the rates in the Dingley Act had been fixed 20 per cent higher than would otherwise have been the case, for the purpose of effecting trade relations with certain foreign countries. And if the Senator will permit me to make another statement, I will add that that statement was not contradicted when made by the Senator from Mississippi this morning.

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

The VICE-PRESIDENT. Does the Senator yield?

Mr. CULBERSON. I do.

Mr. ALDRICH. Does the Senator think every uncontradicted statement that is made in the Senate must be taken as true? I think not. I certainly, as one member of the committee, can not spend all of my time in undertaking to contradict the statements that are made upon the other side.

Mr. CULBERSON. The Senator from Mississippi had, as I understood, special information on the subject; and his statement went without contradiction.

Mr. ALDRICH. I should certainly have contradicted it.

Mr. CULBERSON. I should like to call attention to a further fact, if the Senator will permit me. It is this: I have seen it stated in the public prints, and I have heard it said by Senators on this floor, that the Senator from Iowa [Mr. DOLLIVER], who was a member of the Committee on Ways and Means of the House of Representatives when the Dingley Act was passed, stated, and read a letter from Governor Dingley to that effect, that the rates had been placed higher than would otherwise have been done, for the purpose of negotiating trade agreements with other countries. Of course I do not know whether the Senator from Iowa made that statement or not.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator yield?

Mr. CULBERSON. I yield.

Mr. DOLLIVER. Whatever statements I made about that are of record. I stated that in a particular case, the case of the sugar duties, an effort was made to leave, between the duty fixed and what was regarded as a fair protection, room for the exercise of the powers of the Government in the negotiation of reciprocity treaties. I did not say, although I got universal credit for saying, that all the duties were fixed with a view to these reciprocal reductions.

Mr. ALDRICH. Mr. President, it is undoubtedly true that the duties upon certain articles were made higher than they would have been made, perhaps, if it had not been for the provision with reference to reciprocity treaties.

Mr. SHIVELY. Why, certainly; that is what I was contending.

Mr. ALDRICH. But, as the Senator from Iowa knows, and as I know, that was not a general provision. There was no such general increase as that. Certain articles were made subject to a reduction in duty, subject to certain agreements. It is possible that Governor Dingley and his associates may have made some of the duties higher than they would have made them if these agreements had not been put in operation. But the Senator from Iowa knows as well as I do that there was no general provision for increasing the rates of duties and making them higher than they should have been for the purpose of taking them down again.

Mr. DOLLIVER. Mr. President——

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. To whom does the Senator yield?

Mr. SHIVELY. As the Senator from Iowa was speaking a moment ago, I again yield to him.

Mr. DOLLIVER. I simply desire to say a word. I have had a good deal of trouble in the last twelve years in explaining a controversy which arose in the Senate shortly after I came into this body in respect to that matter. It would not be true to say that the entire Dingley schedules were arranged, either by Governor Dingley's committee or by the committee here, with a view to making them unnecessarily high. It is true that certain duties were left high with a view to a certain elasticity for these reciprocity treaties. But there is one thing about the situation that has always interested me:

I was a member of the subcommittee of the Ways and Means Committee of the House dealing with the subject of reciprocity; and in view of the fact that the most important commercial country of the Old World already dealt with the United States, not only on fair terms but on absolutely free terms, we found it practically impossible in the House of Representatives to devise an effective working scheme of reciprocity. So it was left to the larger experience and wisdom of the Senate. I believe the Senate failed to devise any scheme of reciprocity, and it was left to the still larger and more efficient wisdom of the conference committee.

If I am not mistaken, out of the conference committee came section 4 of the Dingley law, a section which means nothing unless the fact is recognized that there was room below the level of the Dingley duties for reciprocal arrangements intended to stimulate our commercial interests; for that section provided that the President might negotiate treaties of reciprocity involving a maximum reduction of 20 per cent in the rates of duty provided throughout all the schedules of the Dingley law. And it is within my personal knowledge that the late President of the United States, in the closing years of his life, had an ambition, as broad and as generous as the Nation itself, to use the power thus conferred upon him to enlarge the outposts of American commerce without in any serious way disturbing the protective efficiency of the act of 1897.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Mississippi?

Mr. SHIVELY. Certainly.

Mr. McLAURIN. Lest the apparent silence of my colleague [Mr. MONEY] may not be understood while this colloquy is proceeding, I will state that he has left the Chamber because of the condition of his health. I wish to state further that no Senator in this body is more familiar than my colleague with the tariff legislation of the last generation, and no Senator is more accurate in stating the tariff proceedings.

Mr. SHIVELY. Precisely the situation under the act of 1897, for which I have contended, has been substantially shown by the Senator from Iowa, and in substance now admitted by the chairman of the Committee on Finance. Suffice it to say that under the act of 1897 there was room made and material provided for the negotiation of trade treaties with other countries, resulting in a relaxation or remission of a part of the duties collected at the custom-houses of the United States on products coming from those countries. The point I reenforce is that the matter of remitting "the general tariff of the United States" in the future is not to be an easy one.

The amendment can not mean that the President will go at this maximum tariff with an ax and cut it down to the minimum rate without relation to the facts. It prescribes a long series of things about which he must first be satisfied and about which he can not be satisfied without the most careful and elaborate investigation into a large variety of subjects connected with our foreign trade relations and with the customs duties and export bounties of each foreign country. And when the time arrives for the President to begin that investigation, do you think he will not be beset right and left by all sorts of importunity not to disturb the rates which have been so carefully called "the general tariff of the United States"—not to disturb a tariff made up of what the act so carefully defines as "the general tariff of the United States?" On the other hand, you may expect, and reasonably expect, that the domestic beneficiaries of this additional 25 per cent will exhaust every expedient to make their case before the Department of State. Not only will they there present and press reasons why their own interests need this additional protection, but they will be alert to dig up anything that they can claim as constituting an undue discrimination in some trade regulation, in some import tax, or in some export bounty on the part of the government of the foreign country.

The situation will present a much wider opportunity for the presentation of objections in that tribunal than in this, as by the statute our action would then be determined by the attitude and action of foreign governments. Whether these combined rates shall continue to be the general tariff will depend on the interests, whims, and caprices of foreign governments—not on the fiscal necessities of our own. If foreign governments see fit to institute or maintain what we may regard as undue discriminations, then we will reciprocate by continuing to authorize and facilitate the plunder of the American people by artificial domestic prices written up under prohibitive duties. The minimum rates in the bill should be the general rates. These rates are too hgh without adding to them and then making ultimate rates depend on the acts of foreign governments and a hopeless task by the President if performed in the spirit and according to the letter of this amendment.

I am not now questioning our constitutional right to delegate this power to the President. If this amendment is adopted, the minimum rates will be perfunctorily put in force without regard to what the amendment requires, or the constitutional question is bound to be raised in another tribunal. What I point out to-day are the practical difficulties in the way of making the minimum tariff the prevailing tariff, and that the very forces behind this bill will insist on what the bill pronounces "the general tariff of the United States" shall remain the "general tariff of the United States." I insist that if this amendment is adopted it must be adopted with the plain understanding that the rates prescribed in it will, after March 31, 1910, be the prevailing tariff of the United States; that as such it will go into effect and remain in effect until a practically impossible function can be performed by the President, according to its terms; that it is to be the real and substantial tariff; that it does not involve treaty making with foreign governments, but the chosen tariff rates of the United States; and that it does not involve an increased duty on this article or that, or against this country or

that, but sweeps the whole dutiable schedules and adds 25 per cent to every rate prescribed in every paragraph of section 1 of this bill.

As to the provision authorizing the appointment of persons to assist in executing the purpose of this amendment, I am not deeply concerned. I regard the whole of the proposed section 2 as foolish legislation, as mischievous legislation, as vicious legislation, as legislation conceived in wrong principles and unworthy to go on our statute books. But the President will act, if he acts at all, on the information that may be assembled as to the duties, bounties, trade regulations, and commerce provisions and charges of all foreign countries. These presidential acts involve an execution of the commerce power and taxing power of this Government, and may involve legislative power on these subjects. The men who assemble and lay before the President the information on which the President is to act in these important subjects should be men of both character and ability. In our scheme of government it was deemed proper by its makers to require the chief advisers of the President to be appointed with due formality and confirmed by the Senate.

But my real objection goes to the whole section. We should make the tariff law here and now so that when it is approved by the President every business man, every citizen of whatever occupation, may know just what rates will prevail this year, next year, and all the years in which this act shall be on the statute book. Here is a proposed act under which, until the President issues proclamation after proclamation, no man can know what the tariff will be one year hence, and not even after the proclamation is issued, as the amendment makes it the President's duty in case any discrimination is made by a foreign government after the minimum duty has been put into effect to issue a new proclamation restoring the maximum rate. So we transfer the contest for preferences under the taxing power to the Department of State and precipitate uncertainty over the industrial interests of the United States as to what the tariff is to be as to all articles in our dutiable schedules.

The PRESIDING OFFICER (Mr. CARTER in the chair). The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. CULBERSON] to the amendment.

Mr. BACON. Mr. President, I was temporarily out of the Chamber, and I do not know what was the exact statement made by the Senator from Rhode Island with reference to the cause of the failure to ratify the reciprocity treaties which were negotiated through Mr. Kasson. I understand the Senator did make a statement in regard to it this morning. Am I correct?

Mr. ALDRICH. I said that they were not ratified, and that I thought it was pretty nearly by unanimous consent that they were not ratified. I certainly would not include the Senator from Georgia in that statement.

Mr. BACON. I understand——

Mr. ALDRICH. They were not reported from the committee, I think.

Mr. CULLOM. The treaties referred to were reported from the Committee on Foreign Relations.

Mr. BACON. They were reported.

Mr. CULLOM. And they died in the Senate, as a matter of fact.

Mr. BACON. That is the statement which I heard at second hand and which I wished to correct.

Mr. ALDRICH. The Senator, I suppose, will agree to the statement that they were not ratified.

Mr. BACON. I will agree to that, and I want to say something about their not being ratified.

Mr. ALDRICH. I do not know that I can prevent the Senator from making a statement about it.

Mr. BACON. The Senator has made a statement, and I wish to make a counter statement.

Mr. ALDRICH. I hope the Senator does not intend to go into a discussion of those treaties.

Mr. BACON. No further than the Senator has gone. I understand that from the Senator's own statement the impression was sought to be produced by the Senator that the rejection of those treaties was due to a general opposition to them. I think the injunction of secrecy has been removed from the whole thing. I was a member of the Foreign Relations Committee, then, as I am now. I can state that those treaties were reported to the Senate by the unanimous vote of that committee, after the most careful, laborious, long-continued, and painstaking examination, with Mr. Kasson coming before the committee and explaining the treaties item by item, and detail by detail, and every member of that committee within the sound of my voice, who was then a member of it, will substantiate what I say in regard to it. Those treaties were reported unanimously to the Senate by the committee.

I will say further that from my familiarity with the subject, although it is true it has been ten years ago, from the deep interest which I myself felt in it, and from the conferences which I had with Senators who were then in this Chamber, I believe that a very large majority of the Senators favored the ratification of those treaties. I think I am safely within the bounds of accuracy when I say that the defeat of those treaties was due solely to the determined opposition of the Senator from Rhode Island and other Senators from his section, who thought that certain industries in their section might, in case the treaties were ratified, receive a greater competition from French and other importations than they received in the absence of those treaties.

Mr. ALDRICH. Mr. President——

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

Mr. BACON. I do.

Mr. ALDRICH. I do not object to the Senator making a statement about his own opinion and his own position, but I object decidedly to the Senator making a statement about what my position was and why it was taken.

Mr. BACON. The Senator will not dispute the fact that he was in very determined opposition to those treaties, and the French treaty in particular.

Mr. ALDRICH. I was in opposition to the ratification of those treaties, and the Senate was in opposition to the ratification of those treaties.

Mr. BACON. I quite differ with the Senator as to the latter statement.

Mr. ALDRICH. The record happens to be in my favor.

Mr. BACON. The record is not. I beg the Senator's pardon for speaking in what may appear to be a peremptory manner, but there was no record. They were never permitted to come to a vote, and everybody knows by what means that vote could be prevented under the methods and rules of the Senate. Not a single one of those treaties was ever permitted to come to a vote, and the influences which prevented their ever coming to a vote are the influences which I have indicated.

Mr. ALDRICH. Mr. President, as long as we are discussing this matter, which is, I think, more or less out of order, the chairman of the Committee on Foreign Relations and all the members of the committee, possibly except the Senator from Georgia, were satisfied that those treaties could not be ratified, and they did not try to bring them before the Senate for ratification.

Mr. BACON. That is an absolutely incorrect statement.

Mr. CULLOM rose.

Mr. ALDRICH. The Senator from Illinois knows.

Mr. BACON. If the Senator from Illinois will permit me a moment, I wish to reply to the Senator from Rhode Island. I will then yield with pleasure to the honorable chairman of the committee, who was then a member of the committee, but Mr. Davis, of Minnesota, was chairman of it at that time. The treaties were brought before the Senate repeatedly and urged with the utmost earnestness and vigor by the committee, and I am sure that every member of that committee will bear me out in that statement.

Mr. CULLOM. Mr. President——

Mr. BACON. I yield to the Senator with pleasure.

Mr. CULLOM. I think the Senator from Georgia is mistaken as to the party who reported the treaty. I think the investigation was largely made after I became chairman of the committee.

Mr. BACON. That is possibly true. Senator Davis was chairman during certainly a portion of the time.

Mr. CULLOM. I made the report of substantially all the treaties to the Senate favorably.

Mr. BACON. Then I to that extent——

Mr. CULLOM. But they never were taken up. I know what controlled my action. I investigated very carefully the question whether we could get a two-thirds vote in favor of the ratification of the treaties, and I came to the conclusion that it would be impossible to do so, and I never brought them to a vote at all.

Mr. BACON. They were not brought to a vote, but they were repeatedly before the Senate for discussion. I know the Senator from Mississippi [Mr. MONEY] and myself were particularly interested in the French treaty on account of the influence that it had over the question of cotton-seed oil, where there was great danger that the French Government would discriminate against us by putting it on their maximum tariff rate; and we pressed it in season and out of season before the Senate time and time again, debating it earnestly and repeatedly in the executive sessions, and each time, I repeat, the Senator from Rhode Island was the principal influence which prevented its coming to a vote.

Mr. CULLOM. There was discussion——

Mr. ALDRICH. Mr. President, I rise to a question of order. Of course I do not object to any personal allusion to myself, but it is clearly out of order to discuss what took place in executive session a few years ago upon a matter which was clearly of an executive character.

Mr. BACON. The Senator himself brought it up. He himself introduced it, and, from my standpoint, he did not correctly represent the action of the Senate. Are we to sit still when he himself introduces a subject and says what was the attitude of the Senate? Are we to be then debarred from replying?

Mr. ALDRICH. I am sure the Senator, when he thinks this matter over, will be satisfied that it is not proper to discuss what took place in executive session in reference to the treaty. I simply said myself that the treaties were not ratified, and I expressed the opinion that they were not ratified because the Senate, I thought, by a large majority was opposed to them.

Mr. BACON. Mr. President——

Mr. ALDRICH. I did not undertake to——

Mr. BACON. Are we to be left in the position of accepting such a statement as that, when we are satisfied it is not a correct statement?

Mr. ALDRICH. It is not necessary for——

Mr. BACON. Pardon me——

Mr. ALDRICH. It is not necessary to go into what took place in executive session for the purpose of denying the statement. I made no statement about what took place in executive session, and I do not raise the point now for the purpose of getting up a controversy about it; but I think the Senator from Georgia himself, when he stops to think about it, will not think it a proper subject of discussion.

Mr. BACON. I might have thought so if the Senator had not introduced it, but when the Senator introduces it and makes a statement which is not in accordance with my understanding of the facts, and my very clear and distinct recollection of the facts, certainly I am in a position not to be criticised if I reply to it.

I want to say, further, about the matter of the executive session——

Mr. WARREN. Mr. President——

Mr. BACON. I will yield to the Senator.

Mr. WARREN. Observing what the Senator has said as to those who opposed those treaties, I have never discussed any one of them with the Senator from Rhode Island; I never exchanged a word with him about them, but I have always been opposed to them. Whatever little influence I had with my fellow-members has been exerted against them. I know there were a great many others who felt the same way I did, who live far away from where the Senator from Rhode Island lives, who, for reasons of their own, which may or may not be the same, opposed those treaties.

Mr. BACON. I do not dispute that at all; but that does not account for a majority of the Senate.

The PRESIDING OFFICER. On the point of order presented by the Senator from Rhode Island, the Chair will state that it is obviously improper to discuss in open session matters that relate to a subject of discussion in executive session; but the Chair is powerless in the matter.

Mr. BACON. I did not understand that any point of order had been raised. The Senator certainly presented no point of order within my hearing or submitted it to the Chair, although he made a suggestion to that effect.

The PRESIDING OFFICER. The Chair understood the Senator from Rhode Island to raise a question of order.

Mr. BACON. I beg pardon; I did not hear it.

Mr. ALDRICH. I will not press it. I think the Senator's own sense of propriety——

Mr. BACON. I want to say, further, as to a matter which is not an executive-session matter, that the propriety of reopening those negotiations was subsequently a matter under careful consideration before the Foreign Relations Committee. That was not executive work. We had most elaborate hearings from experts of the Treasury to show the great advantage there would be in the renewal of these negotiations, and their testimony is in print. The Senator from Rhode Island himself came before the committee at that time to take issue with the experts, and to prevent, so far as his great influence and power could be exerted, the reopening of those negotiations, especially with France, and to prevent any reciprocity treaty with that country.

Mr. ALDRICH. Mr. President, there is no reason for any secrecy, so far as my attitude toward those treaties is concerned. I was opposed to them, not because the people of my section of the country, as the Senator suggested, had any interest in it whatever. There was no article involved in the French treaty that affected the people of Rhode Island or the people in the section of the country in which I live.

I opposed all those treaties because I believed that they should not be ratified, and there is no one act of my public service that has given me such satisfaction as that one act. I believe that the ratification of those treaties would have been detrimental to the interests of the people of the United States. I did not hesitate to say so then, and I do not hesitate to say so now. It is not necessary for me to go into the reasons for that, because it is not before the Senate nor pertinent to this inquiry.

The French treaty was only one of a series of treaties which were negotiated. Those treaties, in my judgment, sacrificed every interest of the people of the United States, and they should not and would not, in my judgment, have been ratified by any patriotic Senator.

Mr. BACON. Mr. President, I suppose if the Senator has violated his own suggested point of order, I may be permitted to pursue it without any additional criticism. I have no doubt in the world the Senator is entirely correct in stating that the defeat of those treaties was a matter of very great personal gratification to him. But, Mr. President, I must be pardoned for saying that that gratification on the part of the learned and distinguished Senator is not due to the fact that it would sacrifice the interests of the people of the United States, speaking generally, but because it would, to a certain extent, rob the industries of his particular locality of the opportunity to continue their large profits in certain lines of manufacture.

Mr. ALDRICH. Mr. President, I object to that.

Mr. BACON. Well——

Mr. ALDRICH. I object to that. I do not want to raise points of order upon the Senator, but I say that the statement which he is now making is as far removed from the truth as it is possible to be. There were no interests of the section that I represent involved in any one of those treaties. I said that once in the hearing of the Senator, unless I did not speak loud enough to reach across the aisle. I repeat it——

Mr. BACON. I understood——

Mr. ALDRICH. I repeat: There was not one interest of the section I represent that was involved in these treaties, and my action was entirely upon the general proposition of the public interests of the United States.

Mr. BACON. The treaties are certainly not secret, and certainly there is no impropriety in my stating what was in the treaty.

Mr. ALDRICH. I object to the Senator ascribing to me a motive for opposing them because there were some particular interests in the section in which I live affected by them.

Mr. BACON. Very well; possibly the Senator's criticism is correct——

Mr. ALDRICH. I think it is correct.

Mr. BACON. In the precise manner in which I stated it. Consequently, so far as ascribing a motive to the Senator, I will modify it. I will state that whether the Senator was alive to those particular interests or not, I do recall the fact that there were in those treaties certain provisions with reference to cheap jewelry, and certain high-class cotton manufactures of lace and other high-class goods of French production which were involved in those treaties, and which competed strongly with New England manufactures of the same kind; and although the Senator himself may not have had any influence exerted over his mind by that fact in the opposition which resulted from him, the fact existed. Now, I will not say the Senator was influenced by the fact, but the fact was—as anybody who will get the treaties, which have been made public, and examine them will find—that those two classes of goods were very largely involved in the treaty.

Mr. ALDRICH. Of the two items mentioned by the Senator from Georgia there was nothing that affected any of my constituents or any interests in the neighborhood of where I live.

Mr. CULLOM and others. Regular order!

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. CULBERSON] to the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH].

Mr. CULBERSON. I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the junior Senator from Illinois [Mr. LORIMER]. If he were present I should vote "yea." I make the announcement for the balance of the day.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present I should vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. JOHNSTON of Alabama (when his name was called). I am paired for the day with the junior Senator from Massachusetts [Mr. CRANE]. If he were present, I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the senior Senator from Washington [Mr. PILES] and vote "nay."

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. If he were present, I should vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. He is unavoidably absent, and I withhold my vote.

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair so that the senior Senator from Mississippi will stand paired with the Senator from Indiana [Mr. BEVERIDGE], and I will vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I am paired with the junior Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Connecticut [Mr. BULKELEY] and vote "nay."

Mr. KEAN. The senior Senator from Massachusetts [Mr. LODGE] is necessarily absent. He is paired with the Senator from Georgia [Mr. CLAY]. The senior Senator from Massachusetts would vote "nay," if present.

Mr. SCOTT. My colleague [Mr. ELKINS] was unavoidably called out of the city. He is paired with the Senator from Texas [Mr. BAILEY]. If my colleague were here, he would vote "nay."

Mr. CURTIS. The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER]; the Senator from Maine [Mr. HALE] is paired with the Senator from Maryland [Mr. RAYNER]; the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from Arkansas [Mr. CLARKE]; and the Senator from Missouri [Mr. WARNER] is paired with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 17, nays 43, as follows:

YEAS—17.

Bacon	Frazier	Newlands	Taliaferro
Culberson	Gore	Owen	Taylor
Daniel	Hughes	Shively	
Davis	La Follette	Simmons	
Fletcher	Martin	Stone	

NAYS—43.

Aldrich	Burton	Dolliver	Nelson
Borah	Carter	du Pont	Nixon
Bourne	Clapp	Flint	Page
Bradley	Clark, Wyo.	Frye	Penrose
Brandegee	Crawford	Gallinger	Root
Briggs	Cullom	Gamble	Scott
Bristow	Cummins	Heyburn	Smoot
Brown	Curtis	Johnson, N. Dak.	Sutherland
Burkett	Depew	Jones	Warren
Burnham	Dick	Kean	Wetmore
Burrows	Dillingham	McCumber	

NOT VOTING—32.

Bailey	Dixon	McEnery	Rayner
Bankhead	Elkins	McLaurin	Richardson
Beveridge	Foster	Money	Smith, Md.
Bulkeley	Guggenheim	Oliver	Smith, Mich.
Chamberlain	Hale	Overman	Smith, S. C.
Clarke, Ark.	Johnston, Ala.	Paynter	Stephenson
Clay	Lodge	Perkins	Tillman
Crane	Lorimer	Piles	Warner

So Mr. CULBERSON's amendment to the amendment was rejected.

Mr. GORE. Mr. President, I desire to offer section 4 of the Dingley Act as a substitute for section 2 of the pending proposition.

The PRESIDING OFFICER. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. It is proposed to insert as a substitute for section 2 the following:

SEC. 4. That whenever the President of the United States, by and with the advice and consent of the Senate, with a view to secure reciprocal trade with foreign countries, shall, within the period of two years from and after the passage of this act, enter into commercial treaty or treaties with any other country or countries concerning the admission into any such country or countries of the goods, wares, and merchandise of the United States and their use and disposition therein, deemed to be for the interests of the United States, and in such treaty or treaties, in consideration of the advantages accruing to the United States therefrom, shall provide for the reduction during a specified period, not exceeding five years, of the duties imposed by this act, to the extent of not more than 20 per cent thereof, upon such goods, wares, or merchandise as may be designated therein of the country or countries with which such treaty or treaties shall be made as in this section provided for; or shall provide for the transfer during such period from the dutiable list of this act to the free list thereof of such goods, wares, and merchandise, being the natural products of such foreign country or countries and not of the United States; or shall provide for the retention upon the free list of this act during a specified period, not exceeding five years, of such goods, wares, and merchandise now included in said free list as may be designated therein; and when any such treaty shall have been duly ratified by the Senate and approved by Congress, and public proclamation made accordingly, then and thereafter the duties which shall be collected by the United States upon any of the designated goods, wares, and merchandise from the foreign country with which such treaty has been made shall, during the period provided for, be the duties specified and provided for in such treaty, and none other.

Mr. GORE. Mr. President, I wish to say that the amendment which I have offered may not exactly embody my own views either on tariff revision or tariff reform; it may not embody the Democratic view, either, of tariff reform or tariff revision; but I submit it as being an alternative, infinitely better than the maximum provisions of the pending bill. I offer this amendment because it looks toward peace instead of war; I offer it because it looks toward revision downward instead of toward revision upward. I regard the pending maximum clause as a veritable Pandora's box of evil. It has absolutely no virtue excepting this: It is a legislative steel trap, and whenever it springs it will catch the men who set it.

Mr. President, the amendment which I have offered is taken from the Dingley Act. It bears the seal and sanction of the Republican party; it passed a Republican Senate; it passed a Republican House of Representatives; it received the approval of a Republican President. Mr. McKinley attached his signature to that measure and gave it the authority of his great influence and of his approval.

No one can charge Mr. McKinley with disloyalty toward the protective system, and I was not a little surprised to hear the Senator from Rhode Island [Mr. ALDRICH] impeach the late and lamented McKinley here upon the floor of the Senate. Not only did Mr. McKinley approve this measure as President, but he undertook to execute its reciprocity provisions in a spirit of justice and liberality. The Senator from Rhode Island stated a moment ago that those treaties could not have been ratified by a patriotic Senate, and we are driven to infer that he also believed they could not have been submitted by a patriotic President.

I must interpose my protest against an impeachment of that sort against a President who has gone to his last account and should not now be arraigned at the bar of this Senate. A number of treaties were negotiated in pursuance of this provision of the Dingley Act. They were submitted by President McKinley to the Senate of the United States; and here they slept the sleep that knows no waking; here in this death chamber of everything that breathes the spirit of liberality, reciprocity, or reform.

Mr. President, the last words of President McKinley's last speech declared that the age of trade wars was over, and that the age of peace and reciprocity had come. The light of another world was then breaking in his face; but, sir, he either misjudged the age or he misjudged his party. The Democracy prefers to follow the leadership of the martyred McKinley rather than to follow the leadership of the living chairman of the Finance Committee.

The Democracy believes that the age of trade wars ought to have passed, and that the age of peace and reciprocity ought to have come. In furtherance of that spirit and in observance of the principle and policy enunciated by Mr. McKinley, I have submitted this amendment, which bears the sovereign seal of the Republican party.

I ask leave to have inserted in the RECORD as part of my remarks an extract from the last address of President McKinley, to which I have referred.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The extract referred to is as follows:

By sensible trade arrangements, which will not interrupt our home production, we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.

What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will

prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

Mr. GORE. I ask for the yeas and nays on the amendment I have offered.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oklahoma [Mr. GORE], on which question he demands the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "yea."

Mr. JOHNSTON of Alabama (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. If he were present, I should vote "yea."

Mr. JONES (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the senior Senator from Connecticut [Mr. BULKELEY] and vote. I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the senior Senator from Washington [Mr. PILES] and vote. I vote "nay."

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. If he were present, I should vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. TAYLOR (when his name was called). I am paired with the junior Senator from Connecticut [Mr. BRANDEGEE]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I transfer my pair with the Senator from Mississippi [Mr. MONEY] to the Senator from Indiana [Mr. BEVERIDGE] and shall vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after voting in the negative). When I voted I was forgetful for the moment that I was paired with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON], and allow my vote to stand.

Mr. BACON. I desire to announce that my colleague [Mr. CLAY] is absent necessarily at this time, and that he is paired with the senior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, he would vote "yea," and I have no doubt the Senator from Massachusetts would vote "nay."

Mr. CURTIS. I wish to announce that on this vote the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Texas [Mr. BAILEY]; the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER]; the Senator from Maine [Mr. HALE] is paired with the Senator from Maryland [Mr. RAYNER]; the Senator from Illinois [Mr. LORIMER] is paired with the Senator from Alabama [Mr. BANKHEAD]; the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from Arkansas [Mr. CLARKE]; and the Senator from Missouri [Mr. WARNER] is paired with the Senator from Maryland [Mr. SMITH].

Mr. FRYE (after having voted in the negative). I observe that the senior Senator from Virginia [Mr. DANIEL], with whom I am paired, has not voted. Therefore I withdraw my vote.

The result was announced—yeas 16, nays 39, as follows:

YEAS—16.

Bacon	Davis	Hughes	Shively
Bristow	Fletcher	La Follette	Simmons
Clapp	Frazier	Martin	Stone
Culberson	Gore	Owen	Taliaferro

NAYS—39.

Aldrich	Carter	Dolliver	Nixon
Bourne	Clark, Wyo.	du Pont	Page
Bradley	Crawford	Flint	Penrose
Brandegee	Culiom	Gallinger	Root
Briggs	Cummins	Gamble	Scott
Brown	Curtis	Johnson, N. Dak.	Smoot
Burkett	Depew	Jones	Sutherland
Burnham	Dick	Kean	Warren
Burrows	Dillingham	McCumber	Wetmore
Burton	Dixon	Nelson	

NOT VOTING—37.

Bailey	Clarke, Ark.	Frye	Lorimer
Bankhead	Clay	Guggenheim	McEnery
Beveridge	Crane	Hale	McLaurin
Borah	Daniel	Heyburn	Money
Bulkeley	Elkins	Johnston, Ala.	Newlands
Chamberlain	Foster	Lodge	Oliver
Overman	Rayner	Smith, S. C.	Warner
Paynter	Richardson	Stephenson	
Perkins	Smith, Md.	Taylor	
Piles	Smith, Mich.	Tillman	

So Mr. GORE's amendment was rejected.

Mr. GORE. I offer section 4 of the Dingley Act, without asking to have it reread to the Senate, as an additional section to the pending proposition, to be numbered section 2½. I shall not ask for the yeas and nays, as the sense of the Senate has already been evidenced on the vote just taken.

The PRESIDING OFFICER. The amendment which has just been read is now offered by the Senator from Oklahoma as an additional section to the bill. By unanimous consent, the reading will be omitted. The question is on the amendment.

The amendment was rejected.

Mr. DOLLIVER. I offer an amendment to the pending amendment, to come in at the end of line 2, on page 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 2, on page 4 of the pending amendment, it is proposed to strike out the remainder of the amendment and insert the following:

A commission is hereby created and established in the Treasury Department, to be known as the "customs commission," to be composed of five commissioners to be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office two, three, four, five, and six years, respectively, from the date of their respective appointments, the term of each to be designated by the President, but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, malfeasance in office, or other sufficient cause. No more than three of the commissioners shall be appointed from the same political party. No person engaged in importing merchandise into the United States and no person engaged in manufactures, or who is in any manner pecuniarily interested therein, shall hold such office. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The salary of such commissioners shall be at the rate of $7,500 per annum. They shall be entitled, in addition, to compensation for actual traveling and other necessary expenses in the discharge of their duties. They shall choose one of their own number to be president of the commission. They shall have power to employ a clerk, a stenographer, and a messenger, and, with the approval of the Secretary of the Treasury, such other clerical assistants as shall be necessary to the performance of their duties, and at such rates of compensation as they may establish, with the approval of the Secretary of the Treasury. Their salaries, expenses, and the compensation of the clerk, stenographer, messenger, and such additional clerical force as may be thus employed shall be paid out of any money in the Treasury not otherwise appropriated, upon the auditing of the same, according to the usual course in the Treasury Department.

That the commission shall establish its permanent office at the city of Washington, where it shall be at all times, in the usual course of business, ready to hear or receive oral or written testimony upon all the specific subjects mentioned in the preceding sections of this act, and generally upon everything relating directly or indirectly to customs duties and revenue.

That it shall be the duty of the said commission to examine into and ascertain the average price of commodities imported into the United States, both at wholesale and retail in the United States, and both in the United States and in the foreign places of production, sale, or shipment for the period of six months preceding and six months following any change in the rate of customs duties imposed upon such commodities, and this inquiry shall be carried back for a period of twenty-five years, and more, if deemed advisable by such commission, and shall extend to all facts relating to demand and supply, domestic and foreign, which tend to influence prices of such commodities, foreign and domestic, and to aid in determining the true effect of the import duty or of the change therein in the several cases, upon domestic and foreign prices, and upon productions of the same or of other commodities, upon revenue, upon immigration, upon profits of capital, rates of wages, and the general welfare. Second, to ascertain the amounts in quantity and value of the importation of the principal commodities during each of said periods of six months preceding and succeeding any such change in customs duties. Third, to ascertain, as far as practicable, the quantity and value of the same or similar commodities produced in the United States during the same respective periods. Fourth, to ascertain whether in any and in what instances the particular rates of customs duties have operated to increase or diminish production in the United States. Fifth, to ascertain in what particulars rates of customs duties, existing from time to time, operate injuriously or favorably to the development and increase of American manufactures and productions, or operate injuriously or favorably to the consumers of such manufactured articles and productions in respect of causing or contributing to the payment of unreasonable prices by consumers, or the removal or reduction of the same. Sixth, to ascertain the effect of the customs duties upon the price of agricultural productions of the country and their sale in the United States markets and their consumption in the United States. Seventh, to ascertain the effect of such customs duties, both actual and relative, in respect of the employment and the payment of remunerative wages, both actual and relative, to labor in the United States, and a comparison of the same with the labor and wages in other countries. Eighth, to consider the effect of customs duties, or the absence of them, upon the agricultural, commercial, manufacturing, mining, and other industrial interests of the people of the United States. Ninth, to ascertain and compare the actual cost and the selling price, both at wholesale and retail, of similar manufactured commodities reduced to American weights, measures, and money in the United States and elsewhere. Tenth, to ascertain the growth and the development of the principal manufacturing industries affected by the tariff schedules in England, France, Germany, Belgium, Japan, and the United States for the last twenty-five years; and to ascertain the relative cost of transportation in those countries and the United States.

That for the purpose of such inquiries and investigations the commission may visit any part of the United States, and, by public notice

or otherwise, invite testimony and information from all persons interested. They may from time to time also delegate one of their number to visit foreign countries to make investigation respecting the labor and industries of those countries whenever such investigation may be necessary to promote the objects of the commission, and they may require information concerning labor and industries of foreign countries from consular or other agents of the United States in those countries, and such agents shall furnish the information so required promptly and without charge.

That the commission shall report its proceedings in respect of the matters hereinbefore in this act mentioned, with the statistics and evidence upon which its report is based, together with recommendations for changes in customs dues which they may deem advisable and necessary, and the ground upon which its conclusions concerning such changes have been reached, to Congress in the month of December in each year. It shall cause the testimony and statistics taken and obtained in respect of the matters in this act mentioned to be printed from time to time and distributed to Members of Congress by the Public Printer, and also shall cause to be printed for the use of Congress 2,000 copies of its annual report, together with statistics and testimony hereinbefore mentioned. It is hereby made the duty of the Public Printer to execute the printing provided for in this act.

Mr. DOLLIVER. Mr. President, I am not so far indifferent either to my own comfort or to the comfort of others as to make the matter which has just been reported at the Secretary's desk a subject for protracted discussion, but I deem it my duty to state briefly what has influenced my own mind in respect to the matter referred to in the amendment which I have offered.

I desire to confess, first of all, that the conclusion which I have reached, I have reached only by overcoming preconceived opinions and very well-settled prejudices. I have seen Congress in at least four general revisions of the tariff laws, but it is no troublesome humiliation for me to admit that I have, until recent years, witnessed those operations mainly as an observer.

I confess it is only in these later years that the extent of the task laid upon Congress in a general revision of the tariff has dawned upon me. I confess, also, that a good many of the illusions of other years have faded away. I used to be able to get along with my own sense of ignorance by indulging the belief that there was somebody who actually understood, exactly as people sometimes treat their theological views, not on any well-defined comprehension of their own, but on their general confidence in the bishops and other clergy.

But I confess that these comfortable illusions of faith in Congress have in these later years been rudely shattered; and I believe I share with everyone who does me the honor to listen to me to-day a dim conviction, at least, that in undertaking in the course of ninety days to deal with the entire business of this market place, the Congress of the United States has taken upon itself an impossible task. The result of all this is that our work is not well done. A moral fruitage of it is that nobody has any confidence in our work. We began this session with an exhortation from the official organ of the American Protective Tariff League to the manufacturing industries of America to lock up their shops and let the office boy run the business while they repaired here to Washington to superintend the business of revising the tariff laws of the United States. And we end this work of tariff revision by a second exhortation from the official organ of the American Protective Tariff League warning the great business interests of the United States not to leave Washington, saying to them: "If you have been there once, go back again." There is no stage in our proceedings in which these, who are in a special sense the beneficiaries of our labors, have any confidence in either our wisdom or our motives.

And so we have an exhortation sent out now to the entire business, summoning parties in interest, to gather here and stay here until the last line of this tariff revision is written and the last act of the Congress of the United States is performed.

I confess, Mr. President, that I never wish to see American business put through another such sweat as it has enjoyed during the present summer. I do not intimate that Congress has not tried to do the very best that could be done. But in the very nature of the case, dealing with multiplied thousands of business enterprises, with few of us personally familiar by experience and actual contact with these affairs, I confess that with all the zeal and with all the skill Congress has been able to exhibit, we have fallen very far short of giving the manufacturing and other interests of the United States a fair and just consideration of the things that concern them.

This is not the only time that such feelings have arisen in the minds of Senators. In 1888, after the Mills bill had been sent to the Senate, the Finance Committee entered upon a very elaborate effort to write a substitute for the Mills bill. They sat all summer, by a committee of which my honored friend from Rhode Island was a member, taking testimony wherever they could secure testimony, and giving to the work a better-directed attention, I think, than it has received at the hands of any committee in either House of Congress from that day to this.

At the end of their labors they produced a bill which was so persuasive in reaching the good will of the American people that, I think, I do not misstate the truth of history in saying that its popularity was universal, at least within the ranks of the Republican party throughout the country. It was the measure upon which General Harrison made his campaign for President. And I was particularly impressed by the fact that the great and good men who were associated in the work of the Senate at that period, now more than twenty years past, seemed to have reached the opinion that the time had come to deliver the Congress of the United States from the impossible burden of the details necessarily incident to a general revisions of the tariff.

At that session of the Senate a very famous and honored statesman, now gone to his reward, Preston B. Plumb, of Kansas, prepared, I am advised, under the general counsel of the experts connected with the Finance Committee, although he was not a member of that committee, a measure intended to relieve Congress of the intolerable load cast upon the legislative department of the Government, in an effort to revise the tariff laws. He introduced into the Senate the proposition which I have just had read from the Secretary's desk. It was referred to the Committee on Finance; and when the tariff bill came up for final consideration it was offered by Senator Plumb as an amendment. It was accepted by my former colleague, Senator Allison, agreed to without a dissenting voice on the Republican side of this Chamber—or, so far as the record indicates, on the Democratic side—and entered into that act of legislation in 1888, giving to it in a large measure the popularity which it everywhere enjoyed throughout the United States.

I have felt that perhaps it might be possible at this late day, in view of the fact that American public opinion has been somewhat educated in the difficulties that surround us in the general revision of the tariff, that a provision thus acceptable twenty years ago to those charged with this responsibility, acceptable to the Senate and acceptable to the public at large, might be attached to this measure, as a step toward that final stage of our industrial life in which politics and sectional interests will very largely lose their influence in the making and writing of our tariff laws.

We have already seen, in this session of Congress, the practical elimination of old-fashioned party politics in the discussion of these questions. It is now the universal opinion of our people, as interpreted here, at least, that the industries of the United States ought to enjoy at the hands of the lawmaking power a fair advantage in this market place in their competition with the other market places of the earth. It may be said that for practical purposes there is no dissent upon that question. Therefore our problem becomes a problem of practical detail; and we, sitting here in midsummer, without definite information, have blundered cheerfully along week after week, month after month, fixing these rates, not through any accuracy of our knowledge, but through the mere zeal of our guesswork and our anxiety to finish the task and put it behind us.

I believe the time is at hand when the American Government will exercise at least as much wisdom in these matters as is now exercised by the other great governments of the world.

I never expect another general tariff revision in the United States based upon anything short of an accurate and scientific knowledge of this market place and of those market places which are our competitors in the great productive enterprises. I expect to see the United States repeat, on a larger scale, the wisdom which has given to the Republic of France a rational tariff system and which has made the tariff laws of the German Empire the servants and ministers of her commerce and industry, rather than mere disturbers of her business and associates of her partisan contentions.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. DOLLIVER. Certainly.

Mr. DIXON. Has the Senator from Iowa had printed the proposed amendment which has just been read?

Mr. DOLLIVER. It has not been printed. I have just offered it.

Mr. DIXON. Does the Senator expect a vote on this amendment this afternoon?

Mr. DOLLIVER. I should not be surprised if, in the pressure of our affairs, we should be hurried to that situation within a few minutes.

Mr. DIXON. Personally, I have a great deal of sympathy for some of the things——

Mr. DOLLIVER. This proposition does not stand in need of sympathy. This proposition needs votes. [Laughter.] The American people will furnish the necessary sympathy.

Mr. DIXON. I think the Senator from Iowa is misinterpreting what I want to say to him. If he does not want sympathy, all right. I started to say that I have been very much impressed with what the Senator from Iowa has said, if that will suit his psychological condition better than the word "sympathy."

Mr. DOLLIVER. That is a form of sympathy that is never disagreeable.

Mr. DIXON. And I should like to know more in detail the general scope of the proposed amendment. We did not get it as it was read at the desk. I shall be glad if the Senator will enlighten us on the general scheme. I have not had much sympathy with the wholesale denunciation of the committee because the schedules have not fitted every man's belief. I think the committee has worked day and night for three months doing the best they knew how, and doing intelligent, painstaking work. But I confess that in following the committee as to many of the schedules a majority of the Senate have been voting in the dark.

If the Senator from Iowa has anything that will cast any daylight upon the future consideration of tariff bills—in other words, that will give us any kind of machinery that will make findings of fact, so that we can cast intelligent votes—I again say to him that I am in sympathy with his general proposition; and I wish he would discuss the amendment from a broader standpoint than a mere recitation of its history.

Mr. DOLLIVER. Mr. President, this proposition clothes the commission with power to make practical inquiry into all the subjects that are related to tariff making. We have now, as a party, a platform of principles a little cloudy in its meaning and a little difficult to live up to. Our public proposal is to make these tariff rates equal to the difference that exists between the cost of production in the United States and in other countries.

The chief function of a tariff commission, under the provisions of such an amendment as I have offered, would be to inquire into the conditions of production; not simply into the rate of wages, which is only a single element in production, but into the efficiency of labor, and to arrive at that economic conclusion as to the cost of production with which we are almost unfamiliar in the lawmaking department of our Government. It also undertakes to inquire into the prices at which articles are sold at wholesale and retail in our own country and in competing countries. The commission is also charged to inquire into the effect of these tariff rates on production here and on prices here and on the enlargement of our commerce in other countries.

One of the most gloomy and unsatisfactory things about the present bill is that it does not seem to enlarge the opportunities of our trade in other countries. Twenty years ago our chief anxiety was to find an outlet for our breadstuffs and our meats. I remember very well the criticism with which Mr. Blaine assailed the McKinley law in the later stages of its preparation in the Ways and Means Committee room, when he came in and denounced the bill in the form in which it stood as furnishing no new markets for American agriculture. The committee afterwards undertook to repair some of those defects, but never, I think, very efficiently.

To-day our problem in the United States is not altogether one of selling breadstuffs and meats in other countries. Our trouble in the United States in the next few years will be to find the place to sell the products from these great factories which we have builded in our market place. Only 35 per cent of our people are now engaged in the production of breadstuffs and meats, while 65 per cent of our people have moved to town and are engaged in those occupations that go with the operations of the factories of the United States. The problem rising visibly on our horizon is to find places to sell the results of our industry and our skill and these vast investments of our capital. It will be a part of this commission's business to search the world for market places for the things we are producing, and once a year to lay before Congress, not their conclusions, but the facts which will enable us to adjust our affairs to the emergencies of the commerce and the business of the world.

Some say that that will result in a continual disturbance of American business. I do not believe it. The activities of the German tariff commission, working night and day for the good of the industrial and commercial empire, disturb no man's business. It is a habit of ours in the United States to make our tariff revision a mere agitation. We have no machinery here by which to make changes in our tariff laws. They wear themselves out. They gather enemies as years pass by; and usually they are revised, not by their friends but by their enemies. The result is that the habitual course of our industrial life has been a period of exaggerated protective rates fixed by guesswork, followed by political reverses, which hopelessly commingle our politics and our business, and make practically every election on a national scale a handicap to our trade and a setback to the prosperity of the industries and commerce of the community.

These things ought not to be. The whole business community ought to have confidence in the Government of the United States. It ought to be possible to make the needed changes in the tariff rates from year to year without disturbing anybody's peace of mind. We ought, if possible, to get rid of the idea that Congress can not do anything without doing everything, and that therefore changes in our laws should be put off until abuses have multiplied and the whole scheme is brought into more or less popular disfavor.

I look forward to a good time coming, when the activities of the Government of the United States in the matters that concern its industries and its commerce will be guided quietly and in an orderly way by officially ascertained facts, and when both our politics and our business will be delivered from the reproaches that in the last generation have more than once fallen upon them.

Mr. McCUMBER. Mr. President, I do not want to vote upon this measure until there has been placed upon record the statement that the essentials of everything asked for by the amendment of the Senator from Iowa [Mr. DOLLIVER] are fully and comprehensively covered by the broader and more generous terms of the provision that has been proposed by the committee. I want to call attention to the wording of the last portion of the amendment. It is:

> To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

Within those broad provisions are encompassed every essential feature that is asked for in the amendment of the Senator from Iowa, except as to the machinery itself, and except possibly as to some of the details of publication.

Mr. DOLLIVER. Mr. President, if it does not trouble the Senator to interrupt him, has he in mind who the people are who are to be appointed by the President? Is it to be an official detail of persons connected with the Treasury Department?

Mr. McCUMBER. Not altogether. Undoubtedly some of those already connected with the Treasury Department and other departments of the Government will be asked to secure information; but, in addition to that, there is a provision for the appointment of other persons.

Mr. DOLLIVER. There seems to be no provision in this amendment for paying anybody for his services.

Mr. McCUMBER. I think, however, there is a provision in the general appropriation bills that will cover everything in this paragraph.

Mr. DOLLIVER. I should be afraid that this so-called "commission" would turn out to be simply a detail of custom experts, and we have had at this very session of Congress some very elaborate experience with customs experts. We have had customs experts exalted here above all the wisdom there is in the Senate. We have had the duty of Congress outlined by written statements signed by Treasury experts. We have not only had Treasury customs experts inform us what to do, but we have had certificates signed by them to authenticate to us what had been done—what the effect of our action actually was. I wish if possible to deliver this research into the facts relative to our commerce and our industry from this morbid dependence upon the Treasury Department. I should like to create a body corresponding somewhat in dignity to the Interstate Commerce Commission. Since they are executing the power of Congress to regulate commerce between the States, I should like to have a commission of such dignity as will be of real service to the Government in regulating its commerce with foreign nations.

Mr. McCUMBER. Mr. President, I have no doubt the commission that will be appointed will measure up to the dignity required by the Senator from Iowa. But I want to call the attention of the Senator again to these words, which state that the commission shall collect any and all information "which will be useful to Congress in tariff legislation." The most useful information we can have in tariff legislation is as to the facts concerning the cost of production at home and abroad, and all other facts concerning the production, commerce, and trade of the United States with foreign countries, and all other conditions that affect the same. Those things are covered by the provisions of the amendment of the committee, and they certainly

are more comprehensive and broader than the amendment of the Senator from Iowa, although not carried out in so much detail.

Mr. ALDRICH. Mr. President, the Senator from Iowa has alluded to the genesis of this amendment. I, of course, remember very well the long months spent by the late Senator from Iowa and myself in the preparation of the act of 1888. It was prepared as a substitute for the Mills bill. The Mills bill had already passed the House of Representatives at one session, and the bill of 1888 was offered here as an amendment. Near the conclusion of the consideration of the bill in the Senate the late Senator from Kansas, Mr. Plumb, who was opposed to the bill in all of its features and in all of its forms, and who was at all times appearing upon the floor in various forms of opposition, notified the Senator from Iowa, Mr. Allison, who then had charge of the bill, that unless his amendment was adopted he proposed to continue its discussion indefinitely. Every Member of the Senate who served with the late Senator from Iowa knew his agreeable nature; and that proposition went into the bill, as other propositions have gone into other bills, not with the approbation of any member of the committee, but to avoid discussion.

There was not a member of the committee for it, and I do not believe a member of the committee would now be for it. It would of course open up indefinite and perpetual tariff agitation. It proposes that this commission to be created shall report to Congress at every session, and go into an infinite variety of examinations which are not pertinent to any real question which has ever been before the Senate of the United States.

Mr. DIXON. I suggest that I presume in the bill we are now about passing there are some things in about similar circumstances.

Mr. ALDRICH. I am not making any such statement. I am only stating what the facts were with reference to this matter. The late Senator from Kansas was an avowed and earnest opponent to the protective system. He was one of the three Senators who voted against the act of 1890, and he spoke against it. His speeches made in the Senate formed a text-book in the next Democratic campaign. I venture to say that the speeches made by the Senator from Kansas on this floor in opposition to the act of 1890 had wider circulation in Democratic circles than any speech that was ever made in the Senate, and it was along the line of this spirit that the Senator from Kansas injected the amendment which is now before the Senate into the discussion in 1890.

Mr. BRISTOW. Mr. President, it seems to me, from the observation I have been able to make, that the committee amendment provides that the President may appoint special agents, who would have about the same authority as post-office inspectors, who go out and get information upon the command of the Postmaster-General in regard to detailed affairs in the postal service. It is not a commission. It does not pretend to be a commission. It is given no bodily form. There is no salary fixed. There are no duties outlined, except in the most vague and indefinite way. There is no term of service prescribed. The present occupant of the Presidency could appoint a number of men who would carry out the policy he had in mind and acquire the information which he felt was necessary to sustain that policy before the country, and when there was a change of administration, if a Democratic President should come in, that President would appoint his commission to carry out his policy and get the information that he wanted.

On the other hand, the amendment of the Senator from Iowa fixes a permanent commission to serve for a term of years, one being appointed each year, so that there could not be any sudden change. There would be experienced men there all the time. It would not be a partisan body to serve the purpose of any one administration but a bureau of the Government to collect information which every Member of this body knows we are sadly in need of now. Why objection is made to it, I can not understand.

I understand that a customs court is to be provided by this bill. Those officers are given a definite term of service and their salary is fixed. Their specific duties are provided. Why is this left in such a vague and indefinite way while that is so specific?

Mr. President, if we are going to have a commission, let us have a commission. If you want the President simply to have some special agents to go out and get the information that he wants, has he not got them now? Has he not the power to detail some officer of the Treasury Department to go and secure information that he thinks he needs? This commission, or this body of men, he seems to be authorized to appoint in order that he may properly administer the retaliatory provisions that are contained in the amendment and not for the purpose of making it the basis of tariff legislation in the future.

So, if the Senate can look at it for a few moments at least from an independent and unbiased point of view and decide it upon what appears to be the best interest of the country for the administration of the Government, it seems to me whatever party may be charged with that responsibility, for the information of Congress, the amendment of the Senator from Iowa is the most comprehensive, and its administration will be most effective.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. DOLLIVER] to the amendment of the Senator from Rhode Island [Mr. ALDRICH].

Mr. DOLLIVER. On that I request the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I should vote "yea."

Mr. BACON (when Mr. CLAY's name was called). I again announce the necessary absence of my colleague [Mr. CLAY] and his pair with the senior Senator from Massachusetts [Mr. LODGE]. If my colleague were present, I presume he would vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON], and vote "nay."

Mr. FLINT (when his name was called). The senior Senator from Texas [Mr. CULBERSON] being absent, I withhold my vote.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL].

Mr. JOHNSTON of Alabama (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE]. I transfer my pair to the Senator from Nevada [Mr. NEWLANDS], and vote "yea."

Mr. JONES (when his name was called). I am paired with the junior Senator from South Carolina [Mr. SMITH]. I transfer my pair to the Senator from Connecticut [Mr. BULKELEY]. I vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the senior Senator from Washington [Mr. PILES]. I vote "nay."

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH].

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote, I withhold my vote.

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

The roll call was concluded.

Mr. ALDRICH. I call the attention of the Senator from Tennessee [Mr. TAYLOR] to the fact that the Senator from Oregon [Mr. BOURNE] is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. TAYLOR (after having voted in the affirmative). I withdraw my vote.

Mr. CLAPP (after having voted in the affirmative). I think it is due to the senior Senator from Indiana [Mr. BEVERIDGE] to state that he is unavoidably absent, and that if he were here he would vote for the pending amendment.

Mr. ALDRICH. I think the Senator from Minnesota is mistaken. The Senator from Indiana told me that he would vote for the committee amendment and against any proposition for a tariff commission.

Mr. CLAPP. In view of that positive statement, I withdraw my vote. I based my statement upon the general attitude of the Senator from Indiana.

Mr. LA FOLLETTE. I took the liberty of seeing the pair clerk here and asking him not to pair the Senator from Indiana against the amendment of the Senator from Iowa. I want to correct it, and let him be paired upon the statement of the Senator from Rhode Island. I had assumed, of course, that the Senator from Indiana, who, as we know, favors a permanent tariff commission, would not want to be paired against the amendment of the Senator from Iowa.

Mr. ALDRICH. I will say, in justice to the Senator from Indiana, that he assisted in the preparation of the paragraph now in the bill, and it had his full consideration, and he told me he should vote against any further amendment.

Mr. LA FOLLETTE. I knew he had some share in it. I also knew or, at least, he told me, it was not nearly so strong as he wanted it. He would have liked to have had it provide for a straight-out permanent commission.

Mr. BOURNE. When my name was called, I thought I was paired with the senior Senator from Oklahoma [Mr. OWEN]. I understand that that pair has been transferred, and I therefore have a right to vote. I vote "yea."

Mr. CLAPP. If the transfer stands against the Senator from Oklahoma [Mr. OWEN], either one or the other has a right to vote.

Mr. GALLINGER. Regular order!

Mr. TAYLOR. As the Senator from Oregon [Mr. BOURNE] has voted, I transfer my pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. JOHNSTON of Alabama. I wish to announce that my colleague [Mr. BANKHEAD] is paired with the junior Senator from Illinois [Mr. LORIMER].

The result was announced—yeas 23, nays 28, as follows:

YEAS—23.

Bacon	Cummins	Gore	Shively
Bourne	Curtis	Hughes	Simmons
Bristow	Dolliver	Johnston, Ala.	Stone
Burkett	Fletcher	Jones	Taliaferro
Clapp	Frazier	La Follette	Taylor
Crawford	Gamble	Nelson	

NAYS—28.

Aldrich	Clark, Wyo.	Heyburn	Penrose
Bradley	Cullom	Johnson, N. Dak.	Root
Briggs	Depew	Kean	Scott
Burnham	Dick	McCumber	Smoot
Burrows	Dillingham	McEnery	Sutherland
Burton	Dixon	Nixon	Warren
Carter	Gallinger	Page	Wetmore

NOT VOTING—41.

Bailey	Culberson	Lorimer	Rayner
Bankhead	Daniel	McLaurin	Richardson
Beveridge	Davis	Martin	Smith, Md.
Borah	du Pont	Money	Smith, Mich.
Brandegee	Elkins	Newlands	Smith, S. C.
Brown	Flint	Oliver	Stephenson
Bulkeley	Foster	Overman	Tillman
Chamberlain	Frye	Owen	Warner
Clarke, Ark.	Guggenheim	Paynter	
Clay	Hale	Perkins	
Crane	Lodge	Piles	

So Mr. DOLLIVER's amendment to the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

Mr. CLAPP. Mr. President, I am not going to detain the Senate a moment. I can not vote for this amendment because the effect of it is, on the 1st of March, 1910, to advance the rates, especially upon lumber, 25 per cent, and I for one, in view of my former vote, can not support the amendment.

Mr. HEYBURN. Mr. President, before the vote is taken on this amendment I feel it incumbent upon myself and a duty that I owe to the committee to make a brief statement. I understand a vote is to be taken now upon the entire amendment. I want to submit this proposition, and we have experienced the conditions once before within my recollection:

A, in February, 1910, buys an invoice of goods costing $1,000,000. The duty on it is 20 per cent. His total cost of goods would be $1,200,000. B, in March, a month later, or a portion of a month perhaps, buys a similar invoice costing $1,000,000 abroad. The duty then, the President having issued his proclamation, would be 20 per cent plus 25 per cent. The total cost of that invoice of goods would be $1,500,000, as against $1,200,000, the cost of the goods purchased one month before. They would, in all business probability, be in stock at the same time.

I would call the attention of the Senate to the effect in competition as between those two merchants, one holding a stock of goods costing $1,200,000 and the other holding an equivalent stock of goods costing $1,500,000. The latter would be at the mercy of the former to the extent of the difference, $300,000, in the cost of goods in the warehouse or on the shelves.

C comes along one month later, in May. In the meantime the conditions that induced the President to make the executive order have changed, the order is revoked, and the duty is restored to these schedules. That invoice would cost the same as the one purchased in March, but it would cost $300,000 less than the invoice purchased the previous month, perhaps the previous day.

At the time of the war tax I had a case brought to my notice, and it has been before me subject to my observation ever since. A man overnight in Philadelphia made a million and a half of money by having some knowledge—it is not necessary to go into detail—that that legislation was going to be enacted. No one will know what is in the mind of the President until it is announced, nor will anyone know what conditions exist in countries abroad, until it is made manifest. In a partial or general war in Europe nations will protect themselves for the purpose of raising revenue; they will do it overnight, and we will have no warning. In my judgment a very dangerous condition would be brought about in the business world.

I believe that the value of a law is largely in its stability. A man should know what he might depend upon except that the change came through his own representatives. I have never been able to reconcile my mind to any legislation that would make it possible for business conditions to change, as is demonstrated by that problem. I believe in enacting such duties that the world will know they can base their business transactions upon a given condition of affairs that is not subject to change except they change it. With the existing schedule of duties here affording a measure of protection that is definite and certain, men can engage in business; they can make contracts for the purchase of a commodity, knowing to a certainty the measure of the competition in which they have to meet their competitor. I merely make this statement in order that I may make it plain why I shall vote as I shall vote.

Mr. ALDRICH. Mr. President, I did not explain at any length the provisions of this section, because I believe that every Senator must understand the purpose which the committee had in view in recommending its adoption. From a political standpoint, while I do not believe that it is necessary to be subservient to political platforms, the provisions of the Chicago platform upon this subject, so far as I know, met with no opposition from any quarter. But this question is much beyond the question of party platforms. It is vastly greater than the question of parties. It is vastly greater, in my judgment, than any other provision in this bill. I would rather, so far as I am concerned, looking at it from the standpoint of the interests of the people of the United States, see every other feature of the bill wiped out rather than this one.

Now, what are the conditions which have led up to this legislation, and what is attempted to be reached by it? Germany and France, and other countries, acting entirely within the legitimate sphere of their own jurisdictions, have enacted maximum and minimum tariffs. They have put provisions into the form of laws and regulations, sanitary or otherwise, which, in the opinion of a large part of the people of the United States engaged in productive enterprises, discriminate unfairly against the United States.

Take the question of France, which is entirely an open question and known, I assume, to every Member of the Senate. France has a maximum and minimum tariff. The difference in the new tariff which it is proposed to adopt is an average of 50 per cent between the maximum and minimum. France imposes her maximum tariff upon the people of the United States, and she does not impose the provisions of her maximum tariff upon any other commercial nation in the world, and we are powerless, unless this legislation is adopted, to prevent those discriminations.

The people who are producing meats and flour and all the agricultural products of the great Middle West have been continuously finding fault about the impositions which are made in Germany in the way of sanitary regulations or otherwise with reference to the products of the United States. What did Germany do? A year ago or more she passed a general tariff which was to go into effect, as this does, in advance, with a provision in it that unless countries agreed to reciprocity provisions with her they should pay the rates imposed by her general tariff.

Mr. CULLOM. The highest rates?

Mr. ALDRICH. Yes; the maximum rates.

I had read from the desk this morning the provisions of legislation of 12 or 15 other countries which are imposing maximum and minimum provisions in their tariffs, and all with the possibility of discriminating against the United States. Are we going to sit here and not give our administration some power to resist these aggressions? We might as well wipe out the tariff entirely upon all these articles if we are going to permit other countries, by "regulations," so called, or by discriminating legislation, to exclude our products from their territory.

That is precisely what some of these governments have done. We merely propose to put it in the power of our administration to say to a foreign government, "You must either permit the products of the United States to enter your country upon reasonable terms, without unjust discriminations and without preferential duties, or you will pay, when you send your products to the United States, the higher rate of duty." Most of the countries to which I have alluded give to their executive officers a right to put the tariff up or down as they see fit and to guard and protect the interests of their own people. Are we willing

to leave our administration absolutely helpless in a matter of this kind?

The Senator from Indiana [Mr. SHIVELY] talks about the increase of duties which are imposed by this bill. There is not a man who listens to me who does not know that these additional duties will never be imposed unless the President is satisfied that there is undue discrimination against us. What will happen?

Mr. SHIVELY rose.

Mr. ALDRICH. Excuse me for a moment.

As to nine-tenths of the foreign countries, this maximum duty will never go into effect. Take Great Britain, for instance. The President does not need to go into an extended examination to ascertain that Great Britain makes no unjust discriminations against us. In the case of a large majority of the countries of the world, there are no unjust discriminations imposed against us. It is a well-known fact that, as to most of these countries, the President will issue such proclamations granting minimum rates as a mere matter of course. But as to the nature and the extent of the discriminations which do exist, as in the case of France, for instance, they are apparent and patent to everybody. She compels us to pay the maximum duty on every article she sees fit, with certain exceptions which she has given, as in the case of cotton-seed oil and a few other products. The administration of France can put a prohibitory duty upon cotton-seed oil, and she can put that maximum prohibitory duty into effect to-morrow if she sees fit, and we are at present absolutely helpless to prevent it.

But suppose our administration could say to France, "That is an undue discrimination against the interests of the United States, and you ought to give us the benefit of your minimum tariff?" The President can say on the 31st of next March, if we pass this legislation, "Unless you remove such discriminations, unless you give to the United States the benefit of your minimum tariff, and treat us as fairly as you treat the people of other countries, I am powerless to prevent the general tariff of the United States going into effect." The result would be, as the Senator from Illinois [Mr. CULLOM] well suggests, that the President never will have to permit the general tariff to go into effect. Negotiations would be commenced at once with Germany and France, for they, after all, are the two countries most involved in this question of discriminations. They are the countries about which the most fault is found.

The Senator from Kansas [Mr. CURTIS], whom I now see in his seat, presented to the Committee on Finance a long list of the discriminations against the meat products and various other products of the United States, and I hope that Senator will have put into the RECORD the statement which he sent to the committee, showing distinctly that, in the form of various regulations, there were existing in some of these countries glaring discriminations against the United States.

So this provision is not made for the purpose of increasing protective duties at all, but it is made for the purpose of putting into the hands of the administration means to protect and defend the agricultural and other interests of the United States.

Mr. BACON. Mr. President, will the Senator pardon me a moment?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. BACON. I am not indifferent to the importance of protecting our industries against discriminations by other countries. I have special reasons for not being so, as the Senator from Rhode Island knows, because a very important product in my section, that of cotton-seed oil, is one which is endangered by these threatened discriminating duties. Therefore what I have to say in opposition to this amendment can not be due to any such indifference. I recognize the fact, as stated by the Senator from Rhode Island [Mr. ALDRICH], that his party announced its desire for a maximum and minimum tariff, if I correctly understood the Senator, and, if I recollect correctly, the utterances of the national convention of the Republican party.

I want, however, to suggest to the Senator this, which may furnish some explanation for those who are interested in the end which is sought to be accomplished, but who may still not be able to follow him in this particular remedy. The cases of discrimination against us the Senator, I think with proper foresight, anticipates will be exceptional; in other words, the cases where this Government will be called upon to act will be exceptional. The criticism which I make upon this amendment is that a general tariff law is enacted and declared to be the general tariff law which is to meet exceptional cases. It seems to me that the proper course is to have a general tariff law which will meet general cases, and then have a provision of an exceptional nature to meet the exceptional cases as they arise. Instead of having a general law that the maximum rate shall apply to all, and which shall require definite affirmative action on the part of the Executive in order to escape from it, it seems to me the better course would be to have the general tariff law one which will meet general conditions, and simply put it in the power of the President, if that should be deemed the better remedy—although I think there is still another better than that—put it in the power of the President, when the exceptional case occurs, to make the exceptional tariff, to make that maximum rate the exceptional rate, and not to make it the general rate.

Mr. ALDRICH. Mr. President, it is largely a question of terms. It does not make much difference whether we call one "a general tariff" and the other "a minimum tariff." The question is whether the rates which we have been considering and discussing shall be the rates or whether higher rates shall be imposed. That is the whole question.

Mr. BACON. I know; but that is a very important question, if the Senator will pardon me.

Mr. ALDRICH. Of course I know it is an important question. I can understand perfectly well that the Senator from Georgia might say that the rates which we are now fixing should be reduced for the purpose of inducing other countries to give us the benefit of the lowest rates.

Mr. BACON. No.

Mr. ALDRICH. That would be a consistent position for him to take.

Mr. BACON. I am not urging that now; I am not taking that position now; I am not discussing it solely as a low-tariff advocate. For the purpose of this argument I will leave that out and discuss it from the basis of a high-tariff rate.

Mr. ALDRICH. I think the Senator from Indiana [Mr. SHIVELY] was inclined to take that position, or to urge the idea that if we were going to make any reduction at all, it should be a reduction from the rates which we have been discussing and which we have fixed; but I am not sure as to that.

Mr. SHIVELY. No; I was not attempting to say anything of the kind; but I do say, if there are to be exceptional rates—that is, if the taxing power is to be employed to cause foreign countries to relax their duties or their trade restrictions in favor of the admission of our products—then it is better to put a provision in the bill authorizing the President to add 25 per cent in the case of the country that imposes such restrictions rather than to make the maximum rate apply to all countries, and then have the President issue proclamations making exceptions as to the countries that do not discriminate against us.

Mr. ALDRICH. I think the Senator from Indiana is mistaken in that idea. The committee considered very carefully both plans. One involves, of course, a proclamation by the President imposing additional duties, and the other involves a proclamation by the President reducing the duties or releasing countries from the payment of the additional duties. In the opinion of all the administrative officers—and the Senator from New York [Mr. ROOT] I have no doubt will be able to explain to the Senate his own experience—in the opinion of all the administrative officers and of the President and the Secretary of State, the plan adopted by the committee was very much preferable to the other.

It is much easier, in other words, for the President to say, "If you do not discriminate against us, I will not proclaim the higher rate, and you will be released from these additional duties," than it is to say to any friendly country, for instance, "I find that your discriminations are undue, and therefore I will impose upon you this additional duty." I think the plan suggested by the committee is vastly preferable to the plan suggested by the Senator from Indiana, which is, in effect, the plan contained in the House bill.

Mr. SHIVELY. Of course I would not be understood as suggesting either plan, for I do not approve of this method of regulating commerce.

Mr. ALDRICH. No; I understand that the Senator from Indiana is opposed to all methods of having a maximum and minimum duty, however it might be employed.

Mr. BACON. Mr. President, if the Senator from Rhode Island will pardon me, I desire to say that I prefer other methods than the maximum and minimum. Nevertheless, if I could not get the plan which I should prefer, which would be by agreement between the countries, if the other plan, the one which I suggested, were the one adopted by the committee, I think I would give it my vote, because I recognize the importance of some means by which our industries may be protected against discriminations by other countries.

Mr. ALDRICH. Mr. President, it is absolutely essential, if we are to take care of the interests of the people of the United States, that in some form we should have that right.

Mr. BACON. I think so; but I agree with the Senator——

Mr. ALDRICH. I felt sure that the Senator from Georgia must agree with me on that subject——

Mr. BACON. I do agree.

Mr. ALDRICH. Because he realizes the importance to a great industry of the South, which is absolutely helpless, unless we can adopt some means of preventing unjust discriminations.

Mr. BACON. I agree with the Senator in that matter.

Mr. ALDRICH. It is only a question of method.

Mr. BACON. I would prefer another plan. I will go this far, and say that, if the plan suggested were one that I could possibly agree to, I would waive my preference and I would vote for it. In other words, the maximum and minimum can be enforced in two different ways. One is by having the general tariff apply generally to countries upon whom there is no necessity for imposing terms and leaving the increased rate to be applied only to countries which thus discriminate against us, or, in other words, violate what we conceive to be the just treatment of ourselves. That is one way in which it can be done. The other is the way adopted by the committee.

I can not possibly bring myself to vote for a bill which raises at the rate of 25 per cent ad valorem the entire tariff schedules. That is an impossibility for me. I would waive my preference for the plan of agreement with other countries and vote for the maximum and minimum tariff in view of its importance, which I recognize, if it were put on the other ground; but, Mr. President, it is a serious matter.

We were talking to-day about the present President of the United States. If he were a man permanently in office, I would have the utmost confidence that he would never abuse that power; but, Mr. President, it is possible for a bad man to get into the very highest office in this country; it is possible for a man to be there who will abuse this power. So far as I know, there has never been a power, from the foundation of the Government, intrusted to any officer which would compare with the power which this proposed system would put in the hands of the President of the United States, under which he could by a stroke of the pen add 25 per cent ad valorem to the entire tariff duties of the United States.

Mr. ALDRICH. I suppose the Senator from Georgia will agree with me that under our Constitution and division of powers it would be impossible to have a maximum and minimum tariff that did not depend upon an ascertainment of facts by the President of the United States.

Mr. BACON. Yes; but——

Mr. ALDRICH. It is simply a question as to whether the President shall ascertain that discriminations exist and declare that fact for the purpose of imposing additional duties, or whether he shall ascertain the same facts with a view of removing or reducing the duties which are imposed by law.

Mr. BACON. Exactly.

Mr. ALDRICH. I think the latter course is the better.

Mr. BACON. I am taking it in the fairest way that I can consider it. Assuming that there is a bad man in the presidential office, which is possible—I hope there never will be, and I do not think there ever has been; I think there have been some good and some better among those who have occupied the presidential office, but I do not think there has ever been a single bad man in the office, a man who was not, according to his lights, a patriot and properly alive to the interests of the country, but it is possible that there may be. Assuming that there is such a man in the office—and we legislate not for to-day or to-morrow or even for ten years; so far as we know this bill, if enacted, may stay on the statute books for all time—if there were a bad man in the office, which would give him the greater opportunity, the maximum and minimum feature, such as that which is now proposed, or the other, which would require affirmative action on his part to raise the duties?

In the one case it is easy for a man to say "I will not change the general tariff law that the Congress has enacted." In the enactment of a general tariff law the Congress says that that is a proper rate, and it simply says, "We will make concessions from what we deem to be the proper rate as a reward for those who will accord to us certain treatment." It would be easy for this bad man to sit silent and do nothing; but to let this enormous, exorbitant, unparalleled rate of duty remain upon the statute books. That is one thing. It would be more difficult for him, finding upon the statute books a rate of duty lower than that which is recognized in this bill as the general rate of duty, to say, "I will go beyond what Congress has determined to be a proper general rate. I will raise the rate along the whole line 25 per cent ad valorem."

Mr. ALDRICH. Mr. President, I can not follow the Senator's reasoning. I can not see how a bad man would be any less likely to impose a tariff under the suggestions of the Senate bill than he would under the suggestions of the House bill, because you have there the complement of this plan. The House bill proposes that the President, upon the ascertainment of discriminations, shall practically by proclamation impose the duty. Under the Senate bill the law imposes the duties and they are relieved or released by proclamation of the President.

Of course there is no concealment here, and there is no concealment necessary as to the purpose of this legislation. It is not to raise duties; it is not a statement that we consider under ordinary circumstances the rate imposed by the maximum tariff, or the general tariff, or whatever you may call it, a proper rate to be imposed in the importation of merchandise. It is simply a method, and I suggest to the Senator from Georgia and to other Senators it is the only method by which we can protect ourselves against the aggressive and unjust discriminations of other countries against our products.

I want to say further in that connection that this aggressive discriminatory legislation on the part of the people of other countries has been progressive. Within the last two years legislation has been adopted and regulations have been put in force which discriminate purposely and avowedly against our country and against every country that does not enter into negotiations for the purpose of giving to the country imposing these regulations advantages through treaties or through legislation. The contest for the markets of the world was never so severe and was never carried on with such a determined purpose as is manifested by such laws and by such regulations to-day. The United States might as well retire from any attempt to sell her products abroad—her meat products, her agricultural products, and products of every kind—she might as well retire from any competition with the other countries of the world unless we are willing to put into the hands of the Executive similar powers to those which are granted freely to the government of every other country in the world to protect and safeguard their own interests. It is for that purpose and along that line, and for no other purpose and along no other line that this legislation is suggested.

Mr. BACON. Mr. President, what the Senator says is simply an argument in favor of the general maximum and minimum system, but it is not an argument in favor of the one system as against the other, because either will effect the purpose or meet the demands suggested by the argument of the Senator.

Mr. ALDRICH. Every other commercial country in the world to-day has what is in effect a dual tariff, a tariff the benefits of which, in the shape of lower duties, are given to that country's friends, to the people who give to it reciprocal advantages; and the higher rates are maintained for the purpose of driving people, if you please—to use what might be called a harsh term—into proper relations with them. That is the sole purpose of this legislation. If Senators think, of course, that it is better to have the provision contained in the House bill than the proposition of the Senate committee, that is a matter of difference of judgment.

Mr. BACON. Of course.

Mr. ALDRICH. But how any Senator can stand on this floor and refuse to give to the interests of the people of the United States the protection which every other Government is giving to its people is beyond my comprehension.

Mr. BACON. Mr. President, the Senator and I do not differ on the general proposition that there ought to be a means by which there could be this protection against discrimination of our industries by foreign nations, but we do differ very radically as to what is the appropriate method. The simple difference, which I endeavored to suggest, might not of itself be controlling if it were not for the already very high rate of this tariff; but what I wish to suggest to the Senator is that when 25 per cent ad valorem is added to the rates carried in the schedules of this bill, it will be far away and beyond in height as a general tariff law any tariff that we have ever had since the foundation of the Government.

Mr. ALDRICH. I hope the Senator will not get away from the fact that this is purely a proposition to force the people of the world to give fair treatment to our products.

Mr. BACON. I understand that.

Mr. ALDRICH. Let us see what other countries do. I do not know whether the Senator heard the statement that I had read this morning. There is not one foreign country of importance that has not a greater difference in rates than is suggested by the proposition of the committee. Many of them, as the Senator from Utah suggests, are from 50 to 100 per cent, or even higher than that, and some of them give their executive absolute power of prohibition. Of course we can not do that,

and we are not trying to do that. The 25 per cent is simply a rate fixed. I do not care whether it is 25 per cent or 50 per cent. We made it 25 because we thought that would be effective; and the question after all is, What rate will be effective?

I assume—and I think I am safe in assuming—that no one of the great commercial nations of the world can afford to pay us 25 per cent more duty than its neighbor. For instance, Germany——

Mr. BACON. The Senator misunderstands my proposition, and he is arguing against something which I do not contend for. Possibly I did not express myself clearly.

Mr. ALDRICH. I was trying to answer both the Senator from Georgia and the Senator from Indiana——

Mr. BACON. Yes.

Mr. ALDRICH. That this is not a rate fixed with any idea that it is properly protective or necessarily protective.

Mr. BACON. Now, Mr. President, I want to continue the thought which I was endeavoring to express when the Senator anticipated me, and did not correctly anticipate what I intended to say. I am not complaining that the difference is too great. I do not care if you make it 100 per cent, if you start at the right basis. If you will make the general tariff law right, I do not care what amount you impose as the penalty for discrimination against us. We do not differ on that. You may make it 100 per cent, if you wish; but the point that I am objecting to is making what is intended as a level for a penalty the level of the general tariff law.

Mr. ALDRICH. Mr. President——

Mr. BACON. The Senator will pardon me until I finish my proposition. The Senator's mind acts rapidly, and he doubtless thinks that he anticipates what I am going to say, but, with his permission, I should prefer to express it.

There is not a line of this tariff bill, read by itself outside of what is said here in the debate, but what would indicate that the Congress of the United States in the enactment of this bill regarded what we denominate as "the general tariff law" as the proper level of tariff rates. That is the proposition. We go forward and we set out in detail the different rates, and then we say a level 25 per cent ad valorem higher than that shall be the general tariff law. What possible right would anybody have to say that that was not intended as a general tariff law? Certainly nothing in the tariff bill——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do.

Mr. ALDRICH. I will suggest to the Senator that this is simply a question of terms. It is not at all important whether we call this a "general tariff," or a "special tariff," or any other kind of a tariff.

Mr. BACON. If the Senator regards it simply as a matter of terms, I will repeat that if he will make the tariff bill which has been practically enacted here—we have gone through it in Committee of the Whole, and I presume there will not be many changes in the Senate, unless the Senator from Rhode Island changes his mind, for his mind is going to control—if he will make this bill the general law, and then have as a maximum tariff the rate which is to be proclaimed by the President against any nation which discriminates against us, I will vote for it. I do not say I will vote for the bill, but I will vote for this provision.

Mr. NELSON. Will the Senator yield to me a moment?

Mr. BACON. Yes.

Mr. NELSON. Under our system of government, legislative power can not be conferred on any executive department. There are only two ways in which we can have a maximum and minimum tariff: Either by adopting the plan proposed in this amendment, or by expressly providing a maximum and minimum tariff in terms. But when it comes to the application of the latter plan, Congress can not meet every time and determine what country it applies to. That must be left to the executive department.

Mr. BACON. I entirely agree with the learned Senator from Minnesota.

Mr. NELSON. We can not do in this country as they do in countries like England or Canada, where such powers are conferred on their executive departments. They can do it in council. But here, in any event, we must confer administrative power on the executive branch of the Government to determine when a tariff applies.

The difference between this plan and the other one is simply this: In this case the President proclaims, in the case of every country, what will be the maximum and minimum tariff. If you adopted the other plan, he would simply declare in what cases the maximum tariff would apply. The only difference is that in one case you entail upon the President the burden of proclaiming as to all countries, while in the other case it is only as to a limited number of countries.

Mr. BACON. There is this great difference——

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. BACON. With pleasure, if the Senator will pardon me until I can finish, in one sentence. There is this great difference: In the one case Congress enacts what it understands to be the proper rate of duty to constitute the general law, and the President has no power over the general law. He would simply have the power accorded to him by Congress to fix a maximum duty against an offending nation upon the ascertainment of a certain fact. There is a vast difference between the two. In the first case Congress fixes a rate of duty which it recognizes as the general rate that is to be applied, so far as expressions here are concerned. In the other case it fixes a rate of duty clear above that—higher than any rate of duty that ever was enacted by any other Congress—and declares that to be the general, proper rate of duty, simply giving the opportunity and power to the President to give to others, upon the ascertainment of certain facts, a still lower rate of duty.

Mr. ROOT. Mr. President, I wish to suggest to the Senator from Georgia a consideration which has made me very warmly in favor of the committee's form of the maximum and minimum provision as compared with the House form. I agree with the view that some form of maximum and minimum tariff is very important. It is important for the protection of the cotton industry of the South, for the protection of the beef-raising industry of the West——

Mr. BACON. The cotton-seed industry, not the cotton industry itself.

Mr. ROOT. It comes from cotton seed, does it not? The difference between the two is this: The House provision says that there shall be such and such a tariff, and that if any country discriminates against the United States, the President may put on the maximum. The Senate committee's provision says that there shall be such a minimum and such a maximum tariff, and that if any country does not discriminate against the United States, the President may take off the maximum.

Mr. SHIVELY. That is not what this does.

Mr. ROOT. That is the effect of it. The difference between those two provisions is the difference between proceeding by threat of injury in case of injustice, and proceeding by the offer of reward in case of justice. The Senator from Georgia knows, by reason of his long experience with our foreign affairs, that nations are much more sensitive than individual men. The national pride of every country forbids that its Government should ever yield to a threat. I apprehend that if we put our maximum and minimum provisions in the House form, so that the President is bound to say to this, that, and the other country, "You are discriminating against us, and unless you stop I will punish you," they will all be bound to say, "We can not stop upon any such intimidation as that."

On the other hand, if we here and now, dealing generally with all countries, put on by operation of law the penalty, making it the duty of the President to take it off except in the case of countries which continue to do injustice to us, he will then say: "The law, which I am bound to obey, imposes this high and perhaps prohibitory tariff upon you, and I am powerless, except that if you cease to discriminate against this country it will be my greatest pleasure to remove it." As a practical arrangement, the Finance Committee's provision makes it possible and practical as a matter of international business to secure a cessation of discriminatory provisions against the United States, while the House provision would make it practically impossible to secure any benefits to the United States.

Mr. NELSON. Mr. President——

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

Mr. NELSON. Will the Senator from Georgia allow me to suggest a matter to the Senator from New York? If I understand——

The VICE-PRESIDENT. One moment; will the Senator state whether he will yield or not?

Mr. BACON. I am perfectly willing to have the Senator from Minnesota ask the Senator from New York a question, but——

The VICE-PRESIDENT. Very well; the Senator yields for that purpose.

Mr. BACON. But I certainly——

Mr. NELSON. That is all. I simply wanted to suggest to the Senator from New York——

Mr. BACON. A suggestion is not a question.

Mr. NELSON. It is a suggestion in the form of a question. [Laughter.] Does not the provision of the House bill leave the determination as to whether or not the maximum tariff applies to the adjudication of the courts, and not to the executive department?

Mr. ROOT. I should think not. I think it leaves it to the President.

Mr. BACON. I have not myself examined that feature of the amendment, and can not say. I will pause, if the Senator from New York desires, in order that he may have an opportunity to look at the measure in that respect.

Mr. ALDRICH. Mr. President, I think it leaves it to the President in the first instance; but in case of trouble or disagreement, it leaves the matter to the courts, which, I think, is perfectly futile and unreasonable.

Mr. BACON. The argument of the Senator from New York, boiled down, is, as forcibly put by him, to the effect that in the one case it is a threat and in the other case it is not. The Senator from New York, more than any other Senator in the Chamber, knows from his long experience at the head of the Department of State that in diplomatic negotiations nations do not speak to each other in that way. They do not speak to each other in the language the Senator suggested, which would properly be put in quotation marks, inasmuch as he puts it in the mouth of the President of the United States to say: "If you do not do so and so, or if you do something else which is an injustice to us, I will punish you."

Of course, no one is going to yield to a threat of that kind. But, as the Senator well knows, that is not the way diplomatic negotiations are had. And I think there will be no difficulty whatever as far as the unpleasant and harsh features that are suggested are concerned. I think the negotiations can be had without any such antagonism as to produce that spirit of hostility and resentment.

To put the matter in as concrete shape as possible, without detaining the Senate—because I have already done so much longer than I anticipated—the situation, to my mind, is this: Conceding as a basis for the matter the importance of some method by which the Government will be armed with the powers necessary to protect the industries of the country against unjust discriminations on the part of other nations, there are, as has been suggested, various ways in which that can be done. It can be done by negotiating treaties, as has been attempted in the past. It can be done by having a general tariff, with the power vested in the President to impose a higher tariff, which shall be specified, upon the ascertainment of a certain condition of facts. That is a power which has been construed by the Supreme Court of the United States as one which can properly be conferred by Congress upon the President.

If we were engaged in the enactment of a tariff law which was moderate in its provisions, the question of raising the rates of duty 25 per cent ad valorem for the purpose of making that the general tariff law of the United States would be an exceedingly serious one.

But that is not the condition with which we are here dealing. We are dealing with a condition where that which is designed as the minimum is an exceedingly high tariff, one avowedly intended not only to protect the industries of the United States, but one which, judging by the frequent utterances of Senators on this floor, is intended to prevent competition by keeping out importations altogether.

The effect of adding this 25 per cent ad valorem duty to that high tariff would be to make one which, if enforced, would be an absolutely prohibitory tariff. There is scarcely an article outside of those that are on the free list and some few unimportant ones which have been put down low, where there are now any importations of any consequence, where those importations will not be absolutely stopped under such a rate of duty as is proposed by the addition of the 25 per cent ad valorem.

I repeat that, holding the views I do, although I may not vote for the bill upon its final passage, it is an utter impossibility for me by my vote even upon an amendment to give sanction to a rate of duty which shall be 25 per cent ad valorem above that which is possibly as high a duty as we have ever had and which when the ad valorem of 25 per cent is added will be a higher rate of duty than we have ever had, and will, in fact, be an absolutely prohibitory duty.

I recognize, as I say, the importance of this matter. I think the better plan is to arrange by agreement for the proper recognition of the industries of this country and to prevent discrimination against it. But impressed as I am with the fact that there ought to be some means by which our industries can be protected against these discriminations, if the present tariff rates which we have enacted or gone over in the bill as it stands were adopted as the general rates and the power simply given to add to it maximum rates, I should vote for the amendment; and the question of how much the maximum increased the rates over the general ones would not concern me at all. I say that because I should then regard the imposition of the maximum rate as a penalty; and when you are inflicting a penalty, the best way to do is to inflict one which will be so severe as to deter the commission of the offense which you seek to guard against.

Mr. HEYBURN. Mr. President, inasmuch as the point of my objection was the danger that I conceive would arise from sudden changes, I move to amend the amendment on page 3, line 17, by striking out the words "thereupon and" and inserting the words "ninety days thereafter." That will give the commercial world time to adjust itself to the change.

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

The SECRETARY. On page 3, line 17, strike out the words "thereupon and" and insert "ninety days thereafter."

Mr. HEYBURN. I see that the word "thereafter" is already there.

Mr. BACON. I should like to make an inquiry of the Senator from Idaho. If I understand him correctly, if his amendment is adopted it will postpone for ninety days the reduction of the rate of tariff from the high level to what has been denominated as the "general rate," so that for ninety days the high rate would have to be maintained, even though the President found that no discrimination existed?

Mr. ALDRICH. I will say to the Senator from Georgia that this part of the amendment only applies to the condition where the minimum rate has already once been in operation, and some discrimination takes place that, in the opinion of the President, makes it subject to pay the maximum rate. If the amendment of the Senator from Idaho is adopted, that rate will not go into effect immediately.

Mr. BACON. It applies only to that part, does it?

Mr. ALDRICH. Only to that part.

Mr. BACON. It does not apply to the general reduction?

Mr. ALDRICH. Not at all.

Mr. BACON. That is a different matter.

Mr. ROOT. Mr. President, will the Senator permit me, before he proceeds, to answer the question which the Senator from Minnesota [Mr. NELSON] asked just a moment ago?

Mr. HEYBURN. Certainly; I yield to the Senator from New York.

Mr. ROOT. I have no doubt, after reexamining the House provision, that the increase of duty has to be by the affirmative action of the Executive. The provision is: "Whenever * * * any country * * * discriminates against any article imported from the United States * * * or * * * fails to admit any article * * * on terms as favorable * * * there shall be levied, collected, and paid" this increased duty, the maximum provision. Of course that puts upon the President the duty of determining the fact upon which the increased duty is to be levied, whatever may be the right of recourse to the courts.

Mr. HEYBURN. Mr. President, according to the terms of the amendment, it is provided that the duties shall advance automatically on March 31, 1910. That is our action. In order to restore the duties to the schedule rates a proclamation by the President is required. My objection is that without notice the commercial world would suffer by reason of such an order, inasmuch as they would not know and could not know when it would be made.

They do know when the rate advances, because the act provides and fixes the time. But the orders that may be issued by the Executive should not go into effect until the commercial world has had sufficient notice to adjust itself to the changed conditions. With that amendment, the objection that I make falls, and I will support that measure.

I have already suggested to the chairman of the committee that on line 7, page 2, after the word "whenever," there should be inserted "after the 31st day of March, 1910;" and, after the word "long," the word "thereafter." That merely adapts it to the changes that have already been made. But the amendment that I have last proposed—that is, providing for the giving of ninety days' notice—is the one upon which I desire action.

Mr. BACON. Will the Senator kindly point out the line where that amendment occurs?

Mr. HEYBURN. The first amendment?

Mr. BACON. Does the Senator offer two amendments?

Mr. HEYBURN. I did not offer the other amendment. I understood the chairman of the committee to accept it.

The VICE-PRESIDENT. Only one amendment has been reported.

Mr. HEYBURN. The amendment I propose is as follows: In line 17, page 3, strike out the words "thereupon and" and insert in lieu thereof "ninety days," so that it will read:

He shall issue a proclamation to this effect, and ninety days thereafter the provisions of the general tariff shall be applied—

And so forth.

Mr. BACON. That will leave the minimum tariff in force for ninety days?

Mr. HEYBURN. Yes. The statute itself gives notice of the first change.

Mr. McLAURIN. Mr. President, with all due deference to the Senator from Idaho, I think he is mistaken about the statute giving notice of the first change.

Mr. HEYBURN. I will call the Senator's attention to it. He will find it in line 7, page 2. It provides affirmatively that on this date the minimum rate shall go into effect.

Mr. McLAURIN. No, sir; it provides that on this date the minimum and maximum rates shall both go into effect.

Mr. HEYBURN. The minimum rates will always remain in effect. They are not intended to be affected at all.

Mr. McLAURIN. I supposed that would be understood; but the Senator stated that on that date the minimum rate would go into effect. The amendment provides that on the 31st day of March next the rate fixed in the bill——

Mr. HEYBURN. Plus——

Mr. McLAURIN (continuing). With the addition of the 25 per cent ad valorem duty, shall become the law.

Mr. HEYBURN. Yes.

Mr. McLAURIN. But where does the bill say when the proclamation of the President of the United States shall reduce that to the minimum rate?

Mr. HEYBURN. The time is not fixed by the bill; but whenever he does that, he must give ninety days' notice.

Mr. McLAURIN. That is exactly what I say. The time is not fixed by the bill; and the Senator can no more enable that to be known as a result of the amendment made to line 17, page 3, than if the amendment were not made at all.

Mr. ALDRICH. Mr. President, I did not intend to interrupt the Senator upon this line; but I should like to suggest to him that I am extremely anxious to get a vote upon this proposition, and it is my purpose to move an adjournment as soon as we get a vote upon it.

Mr. McLAURIN. The Senator is not any more anxious to get a vote upon this matter than I am, but I have some observations that I desire to make in reference to it.

Mr. President, in the case of wood pulp and printing paper I believe it is admitted that the rate, although a specific one, amounts to a duty of 10 per cent. My learned friend from Nebraska [Mr. BROWN] made a very able and a very eloquent argument, as well as a very long one, to show that those articles should be on the free list. They were not only not put on the free list, but a tariff of about 10 per cent was put on wood pulp and print paper. This amendment will put the duty at 35 per cent. If we should adopt this amendment, I can not understand how the Senator from Nebraska will vote for it.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Mississippi yield to the Senator from Nebraska?

Mr. McLAURIN. For a question.

Mr. BROWN. I wish to give the Senator from Mississippi a little light.

Mr. McLAURIN. The Senator spoke for two or three days here, I believe, to give us light. I have been taking that light and acting upon that light, and I am against a tariff on wood pulp and print paper.

Mr. BROWN. Mr. President——

Mr. McLAURIN. I shall vote against this amendment of the committee. Inasmuch as the Senator from Nebraska and I and the others who voted the same way failed to get free wood pulp and free print paper, and inasmuch as the Senate saw fit to put a tariff of 10 per cent on it, I will at least vote against adding to that 25 per cent and making it 35. If there is any other light the Senator can give, I shall be glad to get it. I hope, though, he will be more brief than he was in giving us light the other day.

Mr. BROWN. The Senator is still in darkness, although I tried for a long time to give him light.

Mr. McLAURIN. Indeed, Mr. President, I am in darkness, as well as to the position of the Senator from Nebraska.

Mr. BROWN. Let me say that the paragraph relating to wood pulp puts it on the free list now, and this provision does not affect the duty on wood pulp one way or another, because the countervailing duty or the additional duty on account of discrimination on the part of any country is left with the President. It is a specific provision relating to that country and is not governed by this general provision at all.

Mr. McLAURIN. One of the objections I have to it is leaving it to the President, and I will come to that presently.

The other day the Senator from North Dakota [Mr. MCCUMBER] and along about the same time the Senator from Minnesota [Mr. NELSON] made very able speeches in favor of free lumber. But there was a tariff put on lumber of $1.50 a thousand; that is, on lumber in its first stage. If this amendment shall be adopted, it will put $4 in addition to that on lumber that is valued at $16, which will make rough lumber, instead of $1.50 a thousand, $5.50 a thousand. If that lumber is worth $24 a thousand it will put an additional tax of $5 on it, making $6.50 a thousand, and so on.

The Senator from Vermont [Mr. PAGE] made a long speech here, lasting nearly a day, nearly as long as the speech of the Senator from Nebraska, in which he urged the adoption of free hides. I believe a tariff of 15 per cent was put on hides. If this amendment shall be adopted by the Senate it will place on hides instead of 15 per cent a tariff of 40 per cent. I can not understand how that Senator will vote for it.

But, Mr. President, there is another very serious objection to the amendment, and I want to call the attention of the chairman of the committee and other distinguished lawyers to it. It provides that the President shall investigate and determine, not a fact; it is not a naked fact that he is to determine, because I understand that a law may be enacted which will in its very enactment provide that upon the happening of a certain event that law shall cease to operate, or a law may be enacted which will operate upon the happening of a certain event; but that is not it. The President is exercising discretion. Whether it be ministerial discretion, executive discretion, or judicial discretion, it is a discretion of some kind to determine whether there is an undue discrimination against the products of the United States.

What is undue? Who is to determine what is undue? That is not a question of fact; it is a question of judgment, left to the executive department of the Government, which can not be delegated, because it is a prerogative which pertains to the legislative department of the Government to determine the enactment of law.

This becomes a law or it ceases to become a law upon the discretion and judgment and determination of the President of the United States, not of a fact, but a matter of discretion on his part, a matter of judgment on his part. He must determine, for instance, if there is a discrimination by the Government of France or any other government against the products of the United States. He must determine whether that be an undue discrimination or not, because in doing that it may be necessary for him to determine whether under the circumstances, in his judgment, the French Government has refused to admit our products to their markets upon the same terms that they admit the products of some other country which gives them a better advantage than we give them.

Suppose, for instance, that England does not tax the products of France at all. Suppose they have been admitted to that country free, while our high tariff amounts to a prohibition upon the importation of French goods into this country. Suppose France, recognizing that, should say, "We will give an advantage to England over the United States." "It is not an undue advantage," they say; "it is not an undue discrimination." But the President of the United States must determine whether it is an undue discrimination or not. That is delegating to him authority which does not come within the executive functions of the Government.

In view, Mr. President, of the great solicitude of the chairman of the committee for a vote on the amendment, I shall submit the question with these suggestions.

Mr. CURTIS. I ask permission to have printed in the RECORD a statement which I had prepared some time ago and submitted to the Committee on Finance, a copy of which I also mailed to each Senator. I ask that it may be printed in the RECORD.

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

The paper referred to is as follows:

ADMINISTRATIVE FEATURES OF THE NEW TARIFF BILL.

The most flagrant injustice ever perpetrated by foreign governments against an important article of American export was the interdiction some years ago by France and Germany of the trade in cattle from the United States intended for slaughter. This was done under the flimsy pretext that such prohibition was necessary as a sanitary and veterinary precaution. The time has now come when western farmers and stock raisers expect Congress to take some steps to clothe the Executive with the necessary power to negotiate or retaliate to the end that this wrong may be righted. If the governments in question were frank enough to destroy this trade through the medium of prohibitive tariffs the case would be entirely different. As it is, these orders rest upon a false basis and constitute an embargo on business which might easily extend to $10,000,000 or $15,000,000 per annum.

We must insist that those countries, after first placing such reasonable tariff as they may decide upon such shipments, shall admit our

cattle, which are known to be the healthiest in the world, upon the same terms as they are now admitted to Great Britain and Belgium, to wit, for compulsory slaughter within ten days after landing at named ports of debarkation under reasonable governmental regulations. Upon these terms the two countries just mentioned purchase western cattle in the Chicago market alone to the value of about $35,000,000 per year. The traffic is conducted with practically no loss in transit, and no case of disease has ever been communicated to either man or beast during all the years the trade has been carried on. It follows, therefore, that the French and Germans have not a leg to stand on from the sanitary point of view in their present attitude. The prohibition of this business is so unblushingly hostile and so grossly unfair that it can not be properly ignored in the pending readjustment of our trade relations with those countries. That they can be maneuvered out of this unfriendly position has been shown in the case of France by the commercial agreement with Canada just ratified by the French Senate. In the case of Germany, where the people are known to be suffering everywhere from a lack of an adequate meat supply, assurances were virtually given at the time the recent temporary agreement was entered into that in certain eventualities the matter of the modification of the restrictions against American cattle and meats would be made the subject of a special understanding.

It may be said that we are in no position to demand this of these nations, for the reason that we do not ourselves admit continental cattle, but there is this marked difference: We have no breeding animals to send them, and they have no butcher's cattle to send us. They have highly contagious diseases among their cattle stocks that we can not afford to import and disseminate through the introduction of breeding animals to be taken inland and associated with our domestic stocks. Our beef cattle being killed at the dock, the protection of the continental countries from any possible disease is absolute. We can therefore safely say that if they will admit our cattle under compulsory slaughter regulations, we will do the same for theirs. It can be said without fear of successful contradiction that American beef cattle are freer from disease than any other in the world, and yet in the face of this fact Germany permits, from time to time, the introduction of cattle from neighboring nations where dangerous diseases are epidemic—always present—and at the same time bars us out.

PACKING-HOUSE PRODUCTS.

Continental Europe would afford an almost unlimited field for the sale of American meats if the trade were not hampered by a network of tariffs and cunningly devised so-called "sanitary" restrictions, aggravated by a series of inspections, fees, etc., which practically put us out of business in many markets. Whatever may have been the justification for some of these regulations originally, it certainly behooves the United States Government, in view of the efficient operation of the new federal meat-inspection law, to use every effort to enlarge the outlet abroad for these products of our western farms and ranches. A few examples will illustrate:

Dressed beef from America is shut out of Germany entirely and is prohibited from entering France except in carcasses with certain viscera attached. Germany has also this latter requirement in force generally against all countries. While on its face, therefore, this restriction is not discriminatory, yet in actual practice it permits of the introduction of Austrian, Swiss, Holland, or Danish beef and at the same time eliminates our own, for the simple reason that in the former cases the carcasses can be offered in compliance with the regulations, whereas if we undertook the shipment with internal organs in place decomposition would ruin the beef long before it reached the other side.

In this connection attention is called to the economic fact that every shipload of meat or live cattle that goes abroad leaves the land upon which it was produced richer than before such products were started for market. This fact, which is of high importance, is not true of our exports of grain, cotton, or the products of mines or forests. It should also be noted that as the value of lands and grain advance stock feeding at a profit in the West is yearly becoming a more hazardous business, and as it lies at the very root of our western agricultural prosperity, supplying the best and most logical method of conserving the fertility of the soil, its encouragement in every legitimate way should be the constant care of the Government. Conservative estimates are to the effect that such export buying as now exists in the case of these products adds from $15 to $20 per head to the value of all bullocks bred and fed in this country. That the growers would profit, therefore, by additional buying for such ports as Hamburg, Bremen, Cherbourg, and Havre goes without saying.

Germany demands that cured pork meats from the United States shall have been microscopically inspected by the United States Government before permitted to enter; nevertheless such United States inspection is afterwards ignored and every piece subjected to a further microscopic inspection in Germany, at considerable expense to the importer, and also to a special chemical and sanitary inspection—three distinct examinations. Since 1900 the importation of canned meats and sausages has been prohibited by Germany from all countries, and yet the German army and navy has continued to use United States canned meats from time to time, and in view of our present rigid inspection law these goods should be admitted for general consumption into Germany at a reasonable rate of duty. Sausages from the United States certainly should be admitted on our government certificate. It is anomalous that such goods from Germany should be permitted to enter the United States despite its unknown origin, while sausages of unquestionable purity and wholesomeness from this country are wholly debarred.

With the exception of hams and shoulders, pieces of meat weighing less than 9 pounds American are not permitted to enter Germany. The German meat-inspection law forbids the import of raw fats. Formerly there were imported into Germany from this country large quantities of suet and carloads of raw leaf lard. Under the pretext that raw fats may bring contagious diseases the regulations forbid their import. The unfairness of this is shown by the mere statement that such fats are only consumed in melted state, which means sterilization. Again, it is the testimony of our exporters that nothing is left undone by the German officials to harass and restrict American business in all packing-house products. An article may pass the high duties and inspection fees, which may amount to about 4½ cents a pound, and when it comes to one of the subsidiary inspections may be rejected in whole or in part because the inspector says that he finds something or other about it that does not satisfy him, notwithstanding its having previously been passed.

Under the French dual tariff by special arrangement some of our meat products are admitted at the minimum duty, but even this in most cases is too high to admit of much business being done. Fresh and salted beef and pork, including hams and bacon, all take the maximum duty, the latter paying 50 francs per 100 kilos, compared with 30 francs paid by nations having special agreements. This differential practically puts us out of what would otherwise be a big market for this class of product. In this connection it should be noted that in the new tariff bill just being framed by France rates on frozen meat have been raised to 50 francs in the maximum, while the minimum has been left blank, to enable the Government to negotiate for reductions with countries which might be interested. This, of course, means the United States and Argentina. In a similar manner the duty on gluten and flour enriched with gluten has been raised from 16 to 24 francs, with no minimum provided. There is thus no apparent discrimination against the United States, but without negotiations nothing could be done to reduce rates. The same is true of cotton seed, linseed, and peanuts, which at present are admitted free of duty in France, but in the proposed bill are to be taxed at 1.50, 2.50, and 2.50 francs, respectively, with no minimum provided for. In Spain and the various Central and South American countries duties on packing-house products are unreasonably high, and consular charges are in most cases very onerous.

ADDITIONAL CASES OF VIRTUAL DISCRIMINATION.

The following instances will demonstrate clearly the necessity for negotiations looking toward fairer treatment for articles largely or wholly of American origin. In the German tariff, for example, we find that the duties on steam engines, compressed-air and hot-air motors, dynamos, pumps, freezing and conveying machines are graded according to weight. The smaller the machines the higher the duties per 100 kilos. It so happens that the United States excels in the smaller engines and machines, so that in granting conventional rates to Belgium only such machines as weighed 500 kilos or over were taken care of. On the machines weighing less than that, on which the duties range from 25 to 100 marks, there are no conventional rates as yet. It is only by negotiation that we can obtain reductions on those classes of machinery.

Again, Germany classes sewing and knitting machines in the same schedule, on which the general rate is 35 marks. Switzerland succeeded in getting a reduction to 12 marks on knitting machines, leaving sewing machines still subject to the general rate of 35 marks, and the United States is the only country interested in exporting sewing machines.

In making her last tariff Austria imposed a duty of 40 crowns per 100 kilos, or $3.70 per 100 pounds, on cotton-seed oil, which has resulted in destroying our trade in that commodity with that country, which at one time amounted to $1,750,000 per annum.

Returning to the case of agricultural exports, it is well known that under certain circumstances Germany would probably reduce her rate on breakfast bacon from about 36 marks to 27. These illustrations could be multiplied, but the above will suffice to show that we should not be content with simply securing existing foreign minimums.

Our milling interests also have a grievance against several countries, noticeably in Europe, where a discriminative tariff is imposed upon our flour as against wheat. This practice is specially marked in the cases of Belgium and Germany, the latter having a tariff of $1.62 per 4½ bushels, the amount of wheat required to produce a barrel of flour, as against $2.18, the most favorable rate for flour. Belgium admits our wheat free, but imposes a duty of 35 cents per barrel on our flour. Germany also pays an export bounty of from $1.16 to $1.86 per barrel on flour exported irrespective of any import requirement. This bounty promises the annihilation of our flour export trade on the Continent. It is scarcely necessary to point out that all our wheat ought to be ground in this country, not only because it would help to keep our mills busy, but the by-products of the milling are badly needed by American farmers and stock raisers. A more explicit statement covering these points, prepared by the secretary of the Millers' National Federation, is hereto attached.

We have one striking case where a special concession supposedly made to us as a particular favor is a dead letter, because, notwithstanding the fact that we have a preferential rate, the conditions are such that we can do no business under it. The case is that of the special concession of 20 per cent made by Brazil on American flour from the high general duty against that commodity. The fact is that Argentine, on account of her proximity, supplies the entire market, even though she pays the higher rate. The distance and expense of transporting American flour south of the Amazon River precludes our selling to Brazil, notwithstanding she is supposed to have accorded us a special privilege.

PROPOSED REMEDIES.

Assuming that it is the policy of Congress to make the revised (or minimum) rates of our new general tariff with a punitive (or maximum) provision added for retaliatory purposes, it is apparent from the facts detailed above that the provisions of the bill as it passed the House would by no means reach the troubles herein complained about. The clause must be strong enough to cover cases of exclusion and restriction brought about through the operation of regulations resting wholly outside of tariffs proper. Furthermore, it is of the highest importance that the Executive be given authority to conduct negotiations in some manner looking toward an abatement of many foreign minimums which touch especially American products.

THE TARIFF NECESSITIES OF THE MILLING INDUSTRY.

The farms of the United States produce an export surplus during an average year of 200,000,000 bushels of wheat.

The exports of flour as compared to the total exports of wheat and wheat products during an average year will not exceed 50 per cent, and have been gradually declining since 1902.

The milling capacity of the United States is sufficient to grind a total annual crop of the country in one hundred and forty-four days. Thus, the milling capacity of the country and the wheat raised being in excess of domestic requirements, an export outlet for our surplus is imperative.

Four hundred millions of dollars are invested in milling plants in this country.

Hundreds of thousands of operatives are employed in these plants.

The annual output of our mills is 100,000,000 barrels of flour, valued at $500,000,000.

Fifteen to twenty millions of dollars or more are annually paid the farmer of this country for that part of the wheat entering into domestic manufacture over what he would receive for it if exported.

Six millions of dollars are lost to him annually on that part exported in the shape of wheat, which would come to him if this exported product was turned into flour in this country.

Twenty-five millions of dollars are annually lost to him by increased cost of feeding stuffs and from soil fertilization removed.

The consuming countries of the world need our wheat, but the milling industry of the various countries by more or less devious methods attempt to disbar our flour.

These methods of debarment most often take the form of tariff discrimination in favor of our wheat and against our flour.

Belgium imposed a duty of 35 cents per barrel on flour; wheat free. (This tariff has directly caused the loss of a trade of 500,000 barrels per annum, and indirectly an additional 1,000,000 barrels.)

Germany imposed a discriminative tariff of approximately 64 cents a barrel on our flour over that imposed on an amount of wheat necessary to produce it.

Germany pays what amounts to an export bounty of approximately 40 cents per barrel on every barrel of flour exported.

Due to this bounty, a tariff against flour is imminent in Holland (one of the two free countries left us in Europe, and now consuming in excess of 1,000,000 barrels per annum of our product).

Each of these countries exports flour. Each uses some of our wheat in producing this export flour, which enters into competition in the free countries of Europe against our own manufactured product.

These illustrations cover the general type of discrimination imposed and show the vital necessity of some legislative action by our Congress if our export trade in this product is to live.

Mr. CUMMINS. I offer a substitute for the amendment.

The VICE-PRESIDENT. There is an amendment to the amendment pending, which must be first disposed of.

Mr. ALDRICH. I ask that the amendment of the Senator from Idaho to the amendment be disposed of.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho to the amendment of the Senator from Rhode Island.

The amendment to the amendment was agreed to.

Mr. HEYBURN. I will defer the other part of it.

The VICE-PRESIDENT. Does the Senator from Idaho have another amendment?

Mr. HEYBURN. I have another amendment.

The VICE-PRESIDENT. That should be first acted on before the substitute is offered by the Senator from Iowa.

Mr. HEYBURN. Then I will offer it. On page 2, line 7, after the word "whenever," I move to insert "after the 31st day of March, 1910;" and in the same line, after the word "long," I move to insert "thereafter."

Mr. ALDRICH. I will accept that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho to the amendment of the Senator from Rhode Island.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The Senator from Iowa offers a substitute for the amendment, which will be read.

The SECRETARY. It is proposed to insert, in lieu of the amendment, the following:

SEC. 2. That from and after the 31st day of March, 1910, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles in the dutiable list when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands), the rates of duty prescribed by the schedules and the paragraphs of the dutiable list of section 1 of this act, and 25 per cent of such duties in addition thereto, which rates shall constitute the general tariff of the United States: *Provided*, That with a view to secure reciprocal trade with countries producing said articles or any of them, and for this purpose, on or after the 1st day of January, 1910, whenever and so often as the President shall be satisfied that the government of any country producing and exporting said articles or any of such articles imposes duties or other exactions upon the agricultural or other products of the United States, reciprocally equal and reasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the addition of 25 per cent of the duties herein prescribed upon any or all the said articles upon the dutiable list, the production of such country, for such time as he shall deem just; and in such case and during such suspension duties shall be levied, collected, and paid upon such articles so named, product of or exported from such designated country, as follows, namely, the duties provided for in section 1 of this act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impost restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are or may be imported into the United States. Whenever the provisions of the general tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

Mr. CUMMINS. Mr. President, I shall consume the time of the Senate less than ten minutes. I am a thoroughgoing believer in the principle of the amendment offered by the committee. I am in favor of a maximum and a minimum tariff. Indeed, I go one step further. If I could have my way, we would have not a dual tariff, but a triple tariff. I believe in a tariff for protection, a tariff for retaliation, and a tariff for concession. But inasmuch as I have no hope of securing a system of duties lower than those which are prescribed in the bill, I accept the maximum and minimum tariff.

The people of the western country are more deeply interested in this phase of the subject than in any other of the tariffs. Our products are excluded at the present time from France entirely, and they are rapidly being excluded from Germany; and I suppose the misfortunes we have suffered there will speedily overtake us in other countries. Therefore I want a retaliatory duty to be imposed, and I am willing that it shall be imposed by the force of the law upon these countries unless they will grant to us terms that are fair and reasonably reciprocal.

There are just three differences between the substitute that I have offered and the amendment as originally proposed by the committee. I would, of course, accept the amendment made by the Senator from Idaho. It is very wise, I think. The first of these differences is that in the substitute the difference between the minimum tariff and the general tariff is 25 per cent of the duty instead of 25 per cent ad valorem. I believe that the penalty imposed by the committee is too severe and will in the end not accomplish its purpose as well as the more reasonable addition of 25 per cent of the duties themselves.

Second, there is stricken from my substitute the duty upon tea and coffee. That has already, however, disappeared from the committee amendment, and therefore there is no difference there.

The third and the only remaining difference is that when the 31st day of March, 1910, or the prior period at which the President may act, shall come, the President may suspend the maximum duty not alone as a whole, but he may suspend the duties as to any paragraph of the law. The President will have full and complete authority to deal with any nation in an intelligent and fair and comprehensive way, so that if it is impossible to secure from any nation her best terms upon all the products covered by her tariff we may not be compelled to impose upon her, and thereby upon ourselves, the maximum duties upon articles concerning which we care nothing whatsoever and that do not influence our commerce or create any hardship upon our people.

My substitute is drawn in the exact language of section 3 of the McKinley Act of 1890, and it is the exact language which has been sustained by the Supreme Court in Field *v.* Clark. There was at least grave doubts concerning the validity of such legislation, inasmuch as it was said that Congress was attempting to delegate legislative power to the President.

I have followed in this substitute the exact language, in so far as it was possible, of section 3 of the McKinley Act; and if that act is constitutional, as it has been shown that it is, then this is constitutional. It gives the President more discretion and more power and a better kind of power than, as I think, does the committee amendment. The committee amendment gives the President greater power in one respect, but not power so intelligent and so discriminating.

I know very well that I am just passing this substitute to the graveyard in which have been interred so many hopes of mine at this session. I am simply presenting it here in order that it may be known what my views are upon this subject. I have not the slightest hope of influencing the committee or any member of the committee or any Member of the Senate, but I shall have the pleasure at some future time to look back upon it, I think, as a record of which I at least may be justly proud.

Mr. ALDRICH. Mr. President, the committee considered the propositions of the Senator from Iowa very carefully, and the committee were, I will say, clearly, I think, of the opinion that the suggestions made by him would not be constitutional. I think I can very clearly point out the difference between the old McKinley provisions that were covered by the case of Field *v.* Clark and the suggestions now made by the Senator from Iowa.

The McKinley Act I know pretty well about, because I wrote the provision myself, picked out certain articles and named them and stated those articles should pay rates of duty which were strictly defined. In this particular case the Senator from Iowa does not name articles, but allows the President to pick out certain articles and practically legislate upon that subject. I think the distinction is clear and unmistakable. I believe that the lawyers in the Senate will agree with me that it is very doubtful whether the provisions now suggested by the Senator from Iowa are constitutional. I think all the committee agreed that we could not do it.

Mr. CUMMINS. I am sorry, Mr. President, to be put out of the profession.

Mr. ALDRICH. I have heard the Senator argue legal questions with too much ability to have meant to imply that he is not a lawyer of great distinction.

Mr. CUMMINS. I have given this matter very great thought. My substitute is exactly like the law the Senator drew in 1890.

I am not going to enter into any controversy about it. I know that I have followed the decision of Field against Clark. I know, however, that my proposition has been rejected and will be rejected. I simply want to be able to reflect in the future that I have done my best to serve my people, for I very much fear that the measure which you have proposed will not bring the relief to the people of the West which they so imperatively need. I predict that your measure will not protect those reciprocal relations that we demand in our part of the land.

Mr. President, I do not even ask for the yeas and nays upon this proposition. I have no disposition to detain the Senate for a single moment.

The VICE-PRESIDENT. The question is on agreeing to the substitute of the Senator from Iowa [Mr. CUMMINS].

Mr. BRISTOW. Mr. President, I should like to have an opportunity to vote for the substitute of the Senator from Iowa and have a record vote on it. I can not get the consent of my mind to add 25 per cent to the duties which have been fixed in the bill. I am in favor of this maximum and minimum provision going into the bill in some form. I would prefer the substitute submitted by the Senator from Iowa to anything yet submitted. If we can not have that, then I prefer the House provision to the Senate committee provision. But I should like to have a vote, and I call for the yeas and nays on agreeing to the amendment proposed as a substitute.

The VICE-PRESIDENT. The Senator from Kansas demands the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

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

Mr. BACON. Mr. President, just a moment. I understand the amendment offered by the committee is one which strikes out the House provision on the same subject.

Mr. ALDRICH. That has already been done by a vote of the Senate. This simply puts in the proposition as a separate amendment.

Mr. BACON. It has already been stricken out?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. It is purely an amendment to insert.

Mr. SHIVELY. I understand the vote is to be taken on the amendment as amended.

The VICE-PRESIDENT. On the amendment as amended.

Mr. SHIVELY. As to what is to constitute section 2 of the bill?

The VICE-PRESIDENT. That is correct.

Mr. SHIVELY. Mr. President, we understand pretty clearly by this time what the chairman of the Finance Committee would have the Senate understand this amendment means. Though it is clear, and explicitly defines the rates prescribed in it as the "general tariff of the United States," and fixes the date when these shall go into effect, the language of the proposed amendment is not to be taken seriously; that the amendment is something of a joke; that it is a polite and artistic method of serving notice on other nations that if they do not take down their bars we will raise ours higher; and that it is to be a weapon to win trade, though even the proposed minimum tariff goes further in several schedules than the Dingley Act to outlaw it. We are also required to rely not on the law for what the law is to be, but on the assurances of the Senator from Rhode Island [Mr. ALDRICH] as to what it shall be when the executive department has studied, construed, and applied it.

The Senator refers to France as a case of discrimination against the products of our country. The reference was unfortunate. It recalls the fact that under the act of 1897 at least two favorable trade treaties were negotiated with France by our Government; that those treaties came to the Senate for confirmation, and that on the 5th day of March, 1903, those treaties and about 20 others with other countries or dependencies of other countries were, on the advice and with the assistance of the Senator, sent to their final sleep. Yet the Senator points to France as a candidate for punishment by a tariff rate that means utter embargo of trade. The difficulty of this doctrine of punishment is that you can not punish him who would sell without punishing him who would buy. It means simply reciprocal destruction of trade with loss to all parties to the folly. According to the Senator's logic, this bill is purely a commercial-war measure.

Mr. ALDRICH. The Senator from Indiana says that if we should put up the duties upon articles imported from France in this bill, we would punish the purchasers in the United States. It must be apparent to the Senator from Indiana that if we should cease to buy the manufactured articles of France, we could buy the manufactured articles of Great Britain, of Germany, of Switzerland, and of other competing nations.

Mr. SHIVELY. It must also seem apparent——

Mr. ALDRICH. And if we should have, which I hope never will occur, a tariff war between France and the United States, France would have to buy agricultural products of the United States or of some other country that now competes with us; but we can produce in the United States or we can buy from Germany or Great Britain or Switzerland all of the manufactured articles which we are now buying of France.

Mr. SHIVELY. Mr. President, in reply to the very wise observation of the Senator from Rhode Island, permit me to say that it is equally apparent that when the additional 25 per cent duty is put up against France, the French may sell their goods, wares, and merchandise to the German, the Austrian, the Italian, and may buy their meats, breadstuffs, machinery, and other necessaries from countries other than the United States. So the point made by the Senator pricks both ways. The whole scheme of your tariff is based on the theory that you intend in part to raise revenue. There can be no revenue without importations, and there can be no importations without purchasers of them. Of course the citizen may buy elsewhere or of some one else, but you lessen the number of sellers and narrow the choice of the American citizen in his purchase to his prejudice just to that extent.

Mr. ALDRICH. I make the prediction that, if this provision becomes a law, as I hope and expect it will, we shall have no additional duties imposed upon France or upon Germany or upon any competing country for this reason; We are simply saying to those countries, "If you will treat American products fairly, we will treat French and German products fairly." I think that feeling of fairness and of reciprocal advantages growing out of trade will certainly prevent the imposition of any additional duties at any time.

Mr. SHIVELY. What may be done will depend less on the law than on the Department of State. I can not be sure of haste in putting in force minimum rates in the presence of so much persistence in prescribing maximum rates. Does the Senator pretend that these maximum rates will be arrested by proclamation before they go into effect March 31, 1910?

Mr. ALDRICH. I have no question about it whatever. Negotiations will, of course, be at once entered into between the executive department and various other governments where discriminations are alleged to exist. With those countries where no discriminations exist and there is no allegation of discrimination, the minimum rates will prevail, and where there are alleged to be discriminations, negotiations will be at once entered into, and I predict that before long, probably long before the 1st day of April next, proclamations will have been issued as to all those countries, and the whole thing will be settled.

Mr. SHIVELY. The negotiations are to be conducted, of course, by the State Department. The investigations would be carried forward by that department under the supervision of the President. So the Senator understands?

Mr. ALDRICH. Certainly.

Mr. SHIVELY. Does the Senator undertake to say that there is only a country here and there that is discriminating against the United States?

Mr. ALDRICH. There are only a very few countries where there is any allegation whatever that there are discriminations.

Mr. SHIVELY. That is easily said, and probably true. But if so, why all this sweeping of maximum rates through the whole dutiable schedules? What becomes of concessions that shall be "reciprocal and equivalent" to the concessions granted in the mimimum tariff of the United States? There has been no investigation and report as to this, and none is thus far authorized. It is palpable that we must await the conclusion of the Department of State as to foreign tariffs before we shall know what is to be our own.

Mr. ALDRICH. But, Mr. President, the Senator's own constituents who are engaged in raising and shipping products to foreign countries can advise him as to what countries discriminate against the United States.

Mr. SHIVELY. As to such products, yes; and can advise the Senator that this legislation would close rather than open markets to such products.

Mr. HUGHES. I should like to ask the Senator from Rhode Island if it is not true now that France has some twenty-odd treaties giving to other countries than the United States mini-

mum rates, whereas by a special treaty with this country she gives a minimum rate on only some articles, so that the moment this law is passed the discrimination is already in force and the maximum rate must be as ascertained by the President, and maintained?

Mr. ALDRICH. There is no special treaty. There is an arrangement which is terminable at the pleasure of the Government of the United States in the case of France, but it is not a special treaty. It is true, however, that France imposes her maximum duties, with few exceptions, upon the products of the United States. That is one of the things of which we are complaining. I have no doubt that the administration of the French Government, which has this power in its control, will remove all those difficulties long before the first of April next.

Mr. HUGHES. Mr. President, the Senator will admit, I think—I have the facts here—that France has some 20 treaties to-day extending over years, some of them yet unexpired, giving to other countries more favorable terms than we now have with France, giving them the minimum rates of the French tariff. The enactment of this measure will compel France to abandon or change the treaties she has made with other countries, or at once be involved in commercial war with the United States, declared by this act.

Mr. ALDRICH. The Senator is mistaken.

Mr. HUGHES. Why not? Is it not a discrimination for the Argentine Republic to have the advantage of minimum rates upon articles when the United States does not have minimum rates on the same articles?

Mr. ALDRICH. France entered into a commercial treaty with England, as I remember, almost immediately upon the adoption of her maximum and minimum rates. It did not follow that she was bound to give all the other commercial countries of the world the same treatment that she gave Great Britain. These are special treaties, and those governments can do whatever they please with reference to them.

Mr. HUGHES. The amendment pending here provides that if there is any failure to give reciprocal and equivalent arrangements on any article——

Mr. ALDRICH. That unduly discriminates against the United States.

Mr. HUGHES. Yes; and the fact that they give to some other country better rates than they give to the United States is a discrimination. It is selecting other countries with which they deal on better terms.

Mr. ALDRICH. Not necessarily. That is a matter to be determined by the President.

Mr. HUGHES. He ascertains that fact; but are we to understand that if England can have her goods admitted into France at the minimum duty and the United States can only have them admitted at the maximum that there is not, perforce, from the very situation, so that no President could disregard it, undue discrimination?

Mr. ALDRICH. That is entirely left to the President to determine. We are not undertaking to settle that question here.

Mr. HUGHES. Are we not here saying what is the fact which he must ascertain in order to change this law, or are we leaving it to him to legislate upon the subject?

Mr. ALDRICH. Not at all. We are leaving to him the ascertainment of certain facts.

Mr. HUGHES. If it is not a discrimination to let articles from other countries be admitted lower than articles from our country, what would be a discrimination?

Mr. ALDRICH. Mr. President, if it is a discrimination, and the President of the United States finds that it is an undue discrimination, then, of course, the maximum rates go into effect.

Mr. HUGHES. And that condition exists to-day in Germany, in France, and in a number of other countries; so that we are declaring a commercial war and running up the black flag the minute we pass this law. We are forcing every other government to change their treaties with other countries or else they are put under an embargo so far as we are concerned.

Mr. McLAURIN. I should like to ask the Senator from Rhode Island what is an "undue discrimination?" It is not for the President to determine whether the discrimination exists or not, but whether it is undue. What is "undue discrimination?" Is not that delegating to the President legislative power?

Mr. ALDRICH. That is a fact that is left to the President to ascertain.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. ALDRICH].

Mr. McLAURIN and Mr. CULBERSON demanded the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the senior Senator from Indiana [Mr. BEVERIDGE] and vote. I vote "yea." The junior Senator from Minnesota authorized me to say that, if he were present, he would vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON], and vote. I vote "yea."

Mr. JOHNSTON of Alabama (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE]. I transfer that pair to the junior Senator from Virginia [Mr. MARTIN], and vote. I vote "nay."

Mr. JONES (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Connecticut [Mr. BULKELEY], and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the senior Senator from Washington [Mr. PILES], and vote. I vote "yea."

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN], and vote. I vote "nay."

Mr. CULBERSON (when Mr. MARTIN's name was called). The Senator from Virginia [Mr. MARTIN] is unavoidably absent. He is paired with the junior Senator from Massachusetts [Mr. CRANE]. If the Senator from Virginia were present and permitted to vote, he would vote "nay."

Mr. McLAURIN (when Mr. MONEY's name was called). My colleague is unavoidably absent. He is paired with the Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I am permitted to transfer that pair to the junior Senator from Idaho [Mr. BORAH], who, if present, would vote "yea." This will leave me at liberty to vote. I vote "yea."

Mr. JONES (when the name of Mr. PILES was called). I desire to announce that my colleague [Mr. PILES] is unavoidably absent. If he were present, he would vote "yea" on this amendment.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I have a pair with the Senator from Mississippi [Mr. MONEY]. I do not see him in the Chamber. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CURTIS. I wish to announce that on this vote the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from Texas [Mr. BAILEY]; the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER]; the Senator from Maine [Mr. HALE] is paired with the Senator from Maryland [Mr. RAYNER]; the Senator from Illinois [Mr. LORIMER] is paired with the Senator from Alabama [Mr. BANKHEAD]; the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from Arkansas [Mr. CLARKE]; and the Senator from Missouri [Mr. WARNER] is paired with the Senator from Maryland [Mr. SMITH].

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is unavoidably absent from the Chamber to-day. He is paired with the Senator from California [Mr. PERKINS], as has been stated, which pair has been transferred to the Senator from Idaho [Mr. BORAH]. If my colleague were present, he would vote "nay."

Mr. KEAN. The junior Senator from West Virginia [Mr. SCOTT] is necessarily absent. If he were present, he would vote "yea." He is paired with the Senator from Florida [Mr. TALIAFERRO], as has already been announced.

Mr. BACON. I again announce the necessary absence of my colleague [Mr. CLAY]. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. If he were present, my colleague would vote "nay."

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

YEAS—36.

Aldrich	Clark, Wyo.	Flint	Nelson
Bourne	Cullom	Frye	Nixon
Bradley	Cummins	Gallinger	Page
Briggs	Curtis	Gamble	Penrose
Brown	Depew	Heyburn	Perkins
Burkett	Dick	Johnson, N. Dak.	Root
Burnham	Dillingham	Jones	Smoot
Burrows	Dixon	Kean	Sutherland
Carter	Dolliver	McCumber	Wetmore

NAYS—18.

Bacon	Davis	Johnston, Ala.	Shively
Bristow	Fletcher	La Follette	Simmons
Burton	Frazier	McEnery	Stone
Crawford	Gore	McLaurin	
Culberson	Hughes	Newlands	

NOT VOTING—38.

Bailey	Crane	Money	Smith, Mich.
Bankhead	Daniel	Oliver	Smith, S. C.
Beveridge	du Pont	Overman	Stephenson
Borah	Elkins	Owen	Tallaferro
Brandegee	Foster	Paynter	Taylor
Bulkeley	Guggenheim	Piles	Tillman
Chamberlain	Hale	Rayner	Warner
Clapp	Lodge	Richardson	Warren
Clarke, Ark.	Lorimer	Scott	
Clay	Martin	Smith, Md.	

So the amendment of Mr. ALDRICH was agreed to.

EXECUTIVE SESSION.

Mr. ALDRICH. 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, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, July 5, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 3, 1909.

COLLECTOR OF CUSTOMS.

William R. Leaken, of Georgia, to be collector of customs for the district of Savannah, in the State of Georgia, in place of John H. Deveaux, deceased.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Fred H. Abbott, of Aurora, Nebr., to be Assistant Commissioner of Indian Affairs, vice Robert G. Valentine, promoted.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. William P. Platt, Coast Artillery Corps (captain, by detail, in the Ordnance Department), to be captain from July 1, 1909, vice Capt. Leroy T. Hillman, detailed in the Ordnance Department on that date.

First Lieut. Edward M. Shinkle, Coast Artillery Corps (captain, by detail, in the Ordnance Department), to be captain from July 1, 1909, vice Capt. William P. Platt, whose detail in the Ordnance Department is continued from that date.

First Lieut. William R. Bettison, Coast Artillery Corps, to be captain from July 1, 1909, vice Capt. Edward M. Shinkle, whose detail in the Ordnance Department is continued from that date.

Second Lieut. Robert R. Welshimer, Coast Artillery Corps, to be first lieutenant from July 1, 1909, vice First Lieut. William R. Bettison, promoted.

Second Lieut. William W. Hicks, Coast Artillery Corps, to be first lieutenant from July 1, 1909, vice First Lieut. Morgan L. Brett, detailed in the Ordnance Department on that date.

Second Lieut. Eugene B. Walker, Coast Artillery Corps, to be first lieutenant from July 1, 1909, vice First Lieut. Richard H. Somers, detailed in the Ordnance Department on that date.

Second Lieut. Karl F. Baldwin, Coast Artillery Corps, to be first lieutenant from July 1, 1909, vice First Lieut. Thomas L. Coles, detailed in the Ordnance Department on that date.

Second Lieut. Charles K. Wing, Coast Artillery Corps, to be first lieutenant from July 1, 1909, vice First Lieut. John B. Rose, detailed in the Ordnance Department on that date.

PROMOTIONS IN THE NAVY.

The following-named machinists to be chief machinists in the navy from the 3d of March, 1909, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1909:

William R. Scofield,
Henry Smith,
William W. Booth,
John H. Busch,
William E. Stiles, and
Adolph A. Gathemann.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 3, 1909.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Fred H. Abbott to be Assistant Commissioner of Indian Affairs.

MEMBERS OF THE BOARD OF CHARITIES.

John Joy Edson to be a member of the Board of Charities of the District of Columbia.

George M. Kober to be a member of the Board of Charities of the District of Columbia.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY.

Second Lieut. Herbert Hayden, Third Infantry, to the field artillery.

POSTMASTERS.

KENTUCKY.

C. F. Taylor, at Greenup, Ky.

SOUTH DAKOTA.

Horace M. Green, at Alcester, S. Dak.
William Lester, at Lake Andes, S. Dak.
Frank B. Williams, at Hurley, S. Dak.

TENNESSEE.

William F. Littleton, at Kingston, Tenn.
Elisha Thomas McKinney, at Harriman, Tenn.

SENATE.

MONDAY, *July 5, 1909.*

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, who didst lead our fathers into a large place and didst set their feet in the path of liberty, be with us, we pray Thee, even as in the elder days. Defend our country from all violence without and from all strife within, delivering us alike from pride and from shame. Make Thou our rulers righteousness and our officers peace, and write Thy laws into the hearts of this people. So guide and protect us, our Father, that by the continuance of Thy gracious favor we may indeed be that happy Nation whose God is the Lord. Amen.

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

PETITIONS AND MEMORIALS.

Mr. KEAN. I present a communication, in the nature of a memorial, from the Fourteenth Ward Building and Loan Association, of Newark, N. J., which I ask may be read.

There being no objection, the communication was read and ordered to lie on the table, as follows:

THE FOURTEENTH WARD
BUILDING AND LOAN ASSOCIATION OF THE CITY OF NEWARK,
No. 10 Elizabeth avenue, Newark, N. J., July 1, 1909.

Hon. JOHN KEAN,
United States Senate, Washington, D. C.

DEAR SIR: The undersigned executive officers of the Fourteenth Ward Building and Loan Association of the city of Newark, N. J., representing a membership of 2,500 individuals, wage-earners all, desire to enter a protest in the name of these members against the tax proposed in the pending tariff bill on net earnings of corporations and to respectfully request that special exemption be made of all such associations, for the reason that the investment represents the savings of a class of wage-earners whose income is limited and who would not be considered in any scheme looking to the replenishment of the National Treasury, but who should be, on the contrary, peculiarly exempt from such tax.

It will be recalled that this exemption was made in the last income-tax measure, and every argument advanced then applies now.

Respectfully submitted.

[SEAL.] A. M. LINNETT, *President.*
WM. C. MORTON, *Treasurer.*

Attest:
F. N. UTTER, *Assistant Secretary.*

Mr. KEAN presented a memorial of the board of directors of the Second National Bank of Phillipsburg, N. J., remonstrating against the adoption of the so-called "income-tax amendment" to the pending tariff bill, which was ordered to lie on the table.

He also presented a petition of the Building and Loan Association of Belmar, N. J., praying for the adoption of a certain amendment to the so-called "corporation-tax amendment" to the pending tariff bill exempting building and loan associations from the provisions contained therein, which was ordered to lie on the table.

Mr. SCOTT presented a memorial of sundry citizens of Wheeling, W. Va., remonstrating against the adoption of the so-called "corporation-tax amendment" to the pending tariff bill, which was ordered to lie on the table.