5786. By Mr. LEA of California: Petition of 55 citizens of Oakland, Calif., protesting against the enactment of pending Sunday legislation bills; to the Committee on the District of Columbia.

5787. By Mr. SUMMERS of Washington: Petition of numerous citizens of Walla Walla and College Place, Wash., protesting against the passage of H. R. 9753, S. 1948, or H. R. 4388; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *May 26, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hale	McLean	Rawson
Ball	Harris	McNary	Robinson
Borah	Harrison	Moses	Sheppard
Brandegee	Heflin	Myers	Shortridge
Bursum	Hitchcock	Nelson	Simmons
Capper	Johnson	New	Smith
Culberson	Jones, Wash.	Newberry	Smoot
Cummins	Kellogg	Nicholson	Spencer
Curtis	Kendrick	Norbeck	Sterling
Dial	Ladd	Oddie	Sutherland
Dillingham	La Follette	Overman	Townsend
Elkins	Lodge	Page	Underwood
Fletcher	McCormick	Phipps	Walsh, Mass.
France	McCumber	Poindexter	Watson, Ga.
Gooding	McKinley	Ransdell	Williams

Mr. CURTIS. I was requested to announce the absence of the junior Senator from New Hampshire [Mr. KEYES] on account of illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

TRADE WITH CHINA.

Mr. CUMMINS. Mr. President, I desire to give notice that to-morrow morning I shall endeavor to secure unanimous consent for the consideration of the conference report upon the disagreeing votes of the two Houses upon the amendments of the Senate to what is known as the China trade act, the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China. I give the notice so that those who are interested in the measure may be prepared.

Mr. UNDERWOOD. I did not hear the Senator. At what time does he desire to call up the conference report?

Mr. CUMMINS. To-morrow morning. I recognize that I can not bring it up unless I can secure unanimous consent, and I shall ask for it to-morrow morning.

Mr. UNDERWOOD. So far as I know, there is no objection to the Senator calling up the conference report for consideration if he will do it in the morning hour.

Mr. CUMMINS. We have no morning hour now.

Mr. UNDERWOOD. I mean at the time when there ordinarily would be a morning hour.

Mr. CUMMINS. That is my purpose.

Mr. UNDERWOOD. The reason why I say that is because many Senators are away in the afternoon. They may so adjust their engagements and business outside of the Chamber that if a matter of importance is taken up later in the evening Senators who are interested will be away. Under those circumstances I merely ask that if matters come up by unanimous consent they shall be called up in the morning hour so that a quorum call will give an opportunity for those Senators who are interested to be present.

Mr. CUMMINS. That is what I propose to do to-morrow morning.

PETITIONS.

Mr. CAPPER presented a petition of the Thirty-eighth Department Convention of the Woman's Relief Corps, of Parsons, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Ladies' Aid Society of the Washington Avenue Methodist Episcopal Church; James Ross Chapter, Daughters of the American Revolution; the Parent-Teachers' Association of the Bryant School; and the congregation of the First Congregational Church, all of Kansas City, Kans., favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted at the Thirty-eighth Annual Convention, Department of Kansas, Woman's Relief Corps, of Parsons, Kans., favoring the passage of House bill 7213, providing increased pensions for veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. NEWBERRY presented petitions of sundry citizens of Gaines, Duffield, Swartz Creek, Bannister, Ashley, and Elsie, all in the State of Michigan, praying for the imposition in the pending tariff bill of a duty of $2 per 100 pounds on Cuban sugar, which were referred to the Committee on Finance.

Mr. HARRIS presented a memorial of sundry citizens of Dublin, Ga., remonstrating against the present high price of gasoline, which was referred to the Committee on Manufactures.

He also presented resolutions adopted at a mass meeting of members of the Cane Growers' Cooperative Association of Grady, Thomas, Lowndes, Brooks, and Decatur Counties, in the State of Georgia, favoring extension of the agricultural-credit powers of the War Finance Corporation, passage of the so-called Norbeck-King bill creating the national farmers' finance union for the purpose of financing dependable farm associations, and requesting the aid of the State and Federal departments of agriculture in marketing the products of the cane growers, which were referred to the Committee on Agriculture and Forestry.

ST. LAWRENCE RIVER IMPROVEMENT.

Mr. MOSES, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 24), reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government Engineers on the Improvement of the St. Lawrence River from Montreal to Lake Ontario," of which 3,000 copies shall be for the use of the Senate document room and 2,000 copies for the House document room.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. FRANCE:

A bill (S. 3645) granting a pension to Jerome P. Murphy; and

A bill (S. 3646) granting a pension to Joshua M. Ash; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3647) for the reimbursement of Virgil L. Parker for the loss of property; to the Committee on Claims.

By Mr. ELKINS:

A bill (S. 3648) granting a pension to William Lowery; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3649) granting a pension to Sabra Cross (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 3650) granting a pension to Mary Cannon (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A joint resolution (S. J. Res. 201) requesting the President of the United States to propose an international conference for the suppression of the use of certain narcotic drugs; to the Committee on Foreign Relations.

AMENDMENTS TO HOUSE RIVER AND HARBOR BILL.

Mr. TOWNSEND submitted an amendment providing for the improvement of Petoskey Harbor, Mich., intended to be proposed by him to the bill (H. R. 10766) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment ratifying a contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., on condition that said company consent to a certain amendment thereof, intended to be proposed by him to the bill (H. R. 10766) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

EFFICIENCY RATINGS.

Mr. STERLING. Mr. President, there has recently come to my notice general circular No. 4 of the United States Bureau of Efficiency relating to efficiency ratings. I ask that it may be referred to the Committee on Civil Service for consideration in connection with the statute relating to the Bureau of Efficiency and executive orders, and in connection, too, with reclassification.

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

DAYLIGHT SAVING.

Mr. DIAL. Mr. President, the other day I had something to say upon the proposed daylight saving plan. I feel that the President was imposed upon when he signed the order putting it into effect in the Government departments in this District. It has proved, I think, distinctly unsatisfactory, and I hope that the order putting it in operation will be rescinded quickly. I notice there has been some attempt in the House of Representatives to pass a bill on the subject, but that the effort dismally failed. I do not think there is much support of the proposition in the Senate. On yesterday in the Washington Star a straw vote on the question shows very conclusively that the people in the District of Columbia do not favor the plan now in vogue. I ask that the figures on this subject as published in the Star be inserted as a part of my remarks.

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

The figures referred to are as follows:

The vote on daylight saving.

TO-DAY'S VOTE.

	Present system.		Moving clocks ahead.	
	For.	Against.	For.	Against.
Government employees	84	958	92	645
Others	54	881	240	707
To-day's totals	138	1,839	532	1,352
PREVIOUSLY RECORDED.				
Government employees	24	618	184	444
Others	133	900	367	578
Grand totals	295	3,357	1,083	2,374

Mr. DIAL. Mr. President, whenever man undertakes to interfere with the laws of nature he always fails; and it does seem to me that it is time for us to go back to normal conditions and to exercise good common sense in the everyday affairs of life.

I took this question up with the superintendent of schools. Perhaps it would not be well to repeat what the school management had to say about the matter, but I do not find that the so-called daylight-saving system is supported by individuals or by any body of people to any great extent. My information is that the man who presented the request for the order to the President has already put his own business back on the old time; and I seriously hope that the Committee on the District of Columbia of the Senate will intercede in the matter to the end that we may revert to our long-established system of measuring time.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I would like to state to Senators that, beginning with next Monday, I am going to ask them to be here so that we shall not have to pass over item after item on account of the absence of Senators. I have tried to be just as accommodating as possible, but Senators recognize that passing over one single item, like magnesite, for instance, will necessitate passing over a number of other items, like fire brick, for instance, in which we use that article. We can not pass on the latter item until we have passed upon the former. It makes it very difficult to carry on in any logical order the consideration of the schedules if we are continually passing one over and then another on account of the absence of Senators. I hope that there will be no further request after the beginning of next week to pass items over.

Now, Mr. President, I ask that we may go back to one item in the glass schedule, page 45, paragraph 226. I shall ask the Senate to disagree to the three committee amendments in that paragraph.

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

The READING CLERK. In paragraph 226, "Lenses of glass or pebble," page 45, line 12, the committee proposes to strike out "40" and insert "60" before the words "per cent ad valorem."

Mr. McCUMBER. I ask that the committee amendment be disagreed to.

Mr. SIMMONS. Mr. President——

Mr. McCUMBER. I am going to ask that in each of these instances the rate as fixed by the House, of course not on the American valuation, but upon the foreign valuation, be the rate adopted.

Mr. SIMMONS. I understand. I desire merely to express my gratification that the committee has decided to disagree to its amendments to this paragraph. We discussed the matter here last night and I think we clearly developed that neither the 40 per cent rate of the House nor the 60 per cent rate of the Senate committee is warranted, but I shall not make any objection, of course, to disagreeing to the amendment of the committee.

The amendment was rejected.

The next amendment of the Committee on Finance was, on page 45, line 12, before the words "per cent," to strike out the numerals "35" and to insert the numerals "55."

The amendment was rejected.

The next amendment was, on page 45, line 17, before the words "per cent," to strike out "35" and to insert "55."

The amendment was rejected.

Mr. McCUMBER. Mr. President, I should like to return to paragraph 307, which, I think, is the paragraph we had under consideration when the Senate took a recess last evening. That is the paragraph relative to "boiler or other plate iron or steel," and so forth.

The VICE PRESIDENT. The Secretary will state the committee amendment in that paragraph.

The next amendment of the Committee on Finance was, on page 54, line 13, after the word "and," to strike out "forty" and to insert "nine," so as to read:

PAR. 307. Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than one hundred and nine one-thousandths of 1 inch, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, seven-twentieths of 1 cent per pound; valued 1 cent per pound; valued at over 3 cents per pound, 20 per cent ad valorem.

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

Mr. SIMMONS. Mr. President, I understand that amendment in effect is merely to strike out the words "forty-one thousandths of an inch" and to insert "nine one-thousandths of an inch," so as to read "one hundred and nine one-thousandths of an inch."

Mr. SMOOT. Yes; that is the form in which it is known to the trade.

Mr. SIMMONS. I have no objection to that amendment.

The amendment was agreed to.

The next amendment was, on page 54, at the beginning of line 21, to strike out the word "forty" and insert "nine," so as to make the proviso read:

Provided, That all sheets or plates of iron or steel thinner than one hundred and nine one-thousandths of 1 inch shall pay duty as iron or steel sheets.

The amendment was agreed to.

The next amendment was, on page 54, line 25, after the word "and," to strike out "forty" and to insert "nine," so as to read:

PAR. 308. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of a inch, forty-five one-hundredths of 1 cent per pound; thinner than thirty-eight one-thousandths and not thinner than twenty-two one-thousandths of an inch, fifty-five one-hundredths of 1 cent per pound; thinner than twenty-two one-thousandths and not thinner than ten one-thousandths of an inch, seventy-five one-hundredths of 1 cent per pound; thinner than ten one-thousandths of an inch, eighty-five one-hundredths of a cent per pound; corrugated or crimped, seventy-five one-hundredths of 1 cent per pound; all the foregoing when valued at more than 3 cents per pound, 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 55, line 14, after the word "and," to strike out "forty" and to insert "nine," so as to make the proviso read:

Provided, That all sheets or plates of common or black iron or steel not thinner than one hundred and nine one-thousandths of an inch shall pay duty as plate iron or plate steel.

The amendment was agreed to.

The next amendment was, on page 55, line 25, before the words "per cent," to strike out the figures "28" and to insert "30," so as to read:

PAR. 309. All iron or steel sheets, plates, bars, and rods, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, 30 per cent ad valorem.

Mr. SIMMONS. Mr. President, with reference to that amendment, I wish to inquire of the Senator in charge of the schedule whether he has any information touching the necessity for an increase in this rate? I find very meager, in fact, practically no information in the report of the Tariff Commission, and the experts who have been looking up this matter for me say they are not able to obtain any information of importance with reference to it. All the information I now have is that the imports of this commodity for 1920 were 650 pounds, and that in 1921 they were 6,796 pounds. Can the Senator from Utah, if he is in charge of this schedule, give us any information as to the production and the consumption in this country?

Mr. SMOOT. The Senator will find that in the Summary of Tariff Information.

Mr. SIMMONS. I think not. There is some general information, but nothing that applies specifically to this item. This ought really to have been a separate paragraph; it deals with an entirely different subject; but it is separated from the remainder of the paragraph only by a semicolon.

Mr. SMOOT. Does the Senator have reference to the amendment inserting the words "thermostatic metal in sheets, plates, or other forms, 50 per cent ad valorem"?

Mr. SIMMONS. Exactly.

Mr. McCUMBER. If I may have the attention of the Senator, there is an amendment just before that. I was going to ask that the second amendment go over because the Senator from New Jersey desires to be heard on it.

Mr. SIMMONS. Does the Senator mean in paragraph 309?

Mr. McCUMBER. Yes; the amendment in regard to thermostatic metals; but the amendment in line 25, striking out "28" and inserting "30," I should like to have acted upon.

Mr. SIMMONS. That only seems to apply to "sheets or plates, composed of iron, steel," and so forth.

Mr. McCUMBER. That is all.

Mr. SIMMONS. I am saying that I can get no information as to the production or consumption in this country. The only information furnished in the Tariff Commission report is as to the imports, and the imports are negligible.

Mr. SMOOT. It is stated in the Summary of Tariff Information that the country's output of iron and steel, galvanized sheets, in 1920 amounted to 889,668 long tons.

Mr. SIMMONS. I see that we imported in 1920 only 650 pounds.

Mr. SMOOT. In nine months of 1921 there were 3,649,125 pounds imported.

Mr. SIMMONS. No; that is not the item to which I have reference.

Mr. SMOOT. The figures I have read cover "galvanized sheets, plates, hoops," and so forth.

Mr. SIMMONS. I call the attention of the Senator to page 394 of the summary and to the table headed:

Sheets or plates composed of iron, steel, copper, nickel, with layers of other metal or metals imposed thereon by forging, hammering, or welding.

The imports under that heading for nine months of 1921 are given at 6,796 pounds.

Mr. McCUMBER. The clause covering that class of material I desire to go over. The amendment just preceding strikes out "28 per cent ad valorem" and inserts "30 per cent ad valorem."

Mr. SMOOT. In other words, the House gave a 28 per cent ad valorem rate on the American valuation as compared to the 40 per cent ad valorem duty provided under the Payne-Aldrich bill. Under the plan adopted by the committee of basing the rates on the foreign valuation, the committee has recommended 30 per cent ad valorem.

Mr. SIMMONS. The Senator desires that amendment to go over.

Mr. SMOOT. We want that amendment to be agreed to, but the next amendment in regard to thermostatic metals to be passed over.

Mr. SIMMONS. I was not talking about the amendment concerning thermostatic metals. We have not reached that as yet. I was talking about the amendment striking out "28" and inserting "30." It appears from the manner in which the paragraph is written that that rate only applies to sheet or plates, and so forth, as described in the clause.

Mr. SMOOT. Certainly; "sheets, plates, bars, and rods, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, when galvanized or coated with zinc, spelter, or other metals," bear a higher rate of duty than when not so coated; but the Senator asked me what the importations were under the particular item referred to by him, and I said that the importations of that commodity for nine months of 1921 was 3,649,125 pounds.

Mr. SIMMONS. Where does the Senator find that?

Mr. SMOOT. At the bottom of page 393 of the Tariff Information Summary, under the heading "Galvanized sheets, plates, hoops, and so forth."

Mr. LA FOLLETTE. That includes all the sheets covered by the entire paragraph.

Mr. SIMMONS. The Senator will notice that after the words "not galvanized or coated," there is a semicolon, and then the following words:

sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding.

The House provided a duty on those products of 28 per cent ad valorem, and the Finance Committee report a duty of 30 per cent.

I am calling attention to the fact that as the paragraph has been written the 30 per cent rate applies only to sheets and plates.

Mr. SMOOT. Oh, yes; we did not want it to apply to the ungalvanized products.

Mr. SIMMONS. Very well. The statistics which the Senator gave a little while ago relate to galvanized sheets, plates, and hoops, and the importations of that kind of material was 3,600,000 pounds; but if the Senator will turn over to page 394 he will see the table given with reference to "sheets or plates composed of iron, steel, copper, nickel, with layers of other metal or metals imposed thereon by forging, hammering, or welding," and the imports in 1920 are given as 650 pounds, and for nine months of 1921, 6,796 pounds.

Mr. SMOOT. Mr. President, of course, that is only one of them, because plates and sheets, cold rolled and smooth only, fall under that, and then there are plates of iron or steel pickled or cleaned by acid or by any other process.

Mr. SIMMONS. But the Senator will see that those other tables refer to metals treated differently.

Mr. SMOOT. The first one treats of galvanized sheets.

Mr. SIMMONS. And this rate does not apply to that. That is provided for in the preceding paragraph.

Mr. SMOOT. No; the first rate of two-tenths of a cent a pound——

Mr. SIMMONS. All I wish to say is this: I ask the Senator if he will read this carefully and see whether this rate as he has the provision punctuated does not apply solely to sheets or plates not galvanized.

Mr. SMOOT. No, Mr. President; that semicolon means that the "two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated" applies to all of the items above. Then, when the semicolon occurs, that is another paragraph, and it means that sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding shall pay a duty of 30 per cent ad valorem.

Mr. SIMMONS. In addition to the other?

Mr. SMOOT. No, Mr. President; it does not say in addition to it. That is a separate and distinct paragraph, carrying its own duty.

Mr. SIMMONS. Very well. If the Senator is satisfied with that construction after he has examined it more carefully, I shall make no further contention about it. I say, however, that according to my construction the rate is entirely too high. According to my construction of that, you have imposed a 30 per cent rate upon a product of which the imports into this country are absolutely negligible, only a few pounds—a third of a ton—and the Senator has told us what the production was. How many thousand tons did the Senator say were produced?

Mr. SMOOT. The whole production of iron and steel galvanized sheets in 1920 amounted to 889,668 long tons.

Mr. SIMMONS. Whatever the production is, Mr. President; I do not know. I am leaving that to the Senator. He has told us that it was very considerable, running up into thousands of tons, while there was imported of that article in 1920 650 pounds and in nine months of 1921 only 6,700 pounds, or a little over 3 tons. I can not see any reason why we should be imposing a 30 per cent duty to protect a domestic production of thousands of tons because of the importation into this country of 3½ tons. I should be glad if the Senator can furnish more satisfactory information about it. I confess that I have none, except what has been stated.

Mr. SMOOT. The statement I made was that the production of all iron and steel galvanized sheets in 1920 was 889,668 long tons. What the Senator is talking about now is the sheets or plates composed of iron, steel, copper, or nickel with layers of other metal or metals imposed thereon by forging, hammering, or welding. It is true that there was only 6,796 pounds imported in the nine months of 1921, but they are all luxuries. There is nothing there that goes into the ordinary commerce of this country or any other country. If we had a detailed statement of these things we would find that not one of the importations goes into anything outside of luxuries. To-day thermostatic metal in sheets or plates forms a part of this. Thermostatic metal is two metals welded together.

Mr. HITCHCOCK. That is another provision. Can not the Senator give us the figures?

Mr. SMOOT. That is what the Senator was talking about, and that is what this rate applies to.

Mr. HITCHCOCK. That is not thermostatic metal. That comes next.

Mr. SMOOT. That is going to be disagreed to by the committee, and then it will fall under that paragraph.

Mr. HITCHCOCK. Can we not find out exactly what are the imports and the production of this?

Mr. SMOOT. I want to say to the Senator that in the case of these particular items, outside of the thermostatic metal, there is no production in the United States. We have not any of these metals here that are hammered and rolled with layers of other metal, as provided for here. The consumption in the United States is so small that there has been no industry in it, outside of the starting up of a thermostatic-metal industry here during the war. The reason why the committee took that out and put it by itself was because of the fact that during the war this industry was established in this country, and I suppose the Senator knows what it is. Two metals are welded together, and the heat has an effect upon one quite different from the effect upon the other metal. It is used in regulators, such as I suppose the Senator has in his heater at home, where he sets it to 70 if he wants the heat of his house at 70° continuously. If the fire gets too hot and makes it rise above 70, it bends the metal and closes the draft; if it gets below 70, it bends the other way and opens the draft; and with this metal you can keep the heat of your house just whatever you desire during the day or during the night. The production of it in the United States is very small as to quantity. It is growing in the United States, and that is a great part of the production covered by this paragraph to which the Senator has reference.

Mr. HITCHCOCK. That does not satisfy me at all. Perhaps the Senator from North Carolina can understand it; but let me call to the Senator's attention exactly what he has done. We have not gotten to thermostatic metal yet.

Mr. SMOOT. I have told the Senator that we are going to disagree to that amendment.

Mr. HITCHCOCK. I know; but the Senator insists on talking about something else. I ask him to pay attention to these lines:

On sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, the tariff under the present law is 15 per cent.

Mr. SMOOT. Yes.

Mr. HITCHCOCK. The House raised it to 28 per cent. I suppose it had a reason for raising it.

Mr. SMOOT. Yes.

Mr. HITCHCOCK. The Senate committee raised it to 30 per cent. We are unable to find what the reason was. What is the production in the United States? What are the imports? We can not get figures on either one.

Mr. SMOOT. There are no figures here as to the production, because there has been no production, outside of that of the thermostatic metal, in the United States.

Mr. HITCHCOCK. Let us leave out the thermostatic metal. What are the imports, then?

Mr. SMOOT. Very small, indeed, because they are all luxuries.

Mr. HITCHCOCK. Then what was the evidence upon which the tariff was doubled?

Mr. SMOOT. Does the Senator mean from the present law?

Mr. HITCHCOCK. Yes. It is not because there is any great import that is ruining a local industry.

Mr. SMOOT. Absolutely; but we will get that much more money out of it for the Treasury of the United States.

Mr. HITCHCOCK. But the Senator says there are no imports.

Mr. SMOOT. I did not say there were no imports.

Mr. HITCHCOCK. Can the Senator tell what the imports are?

Mr. SMOOT. Yes. For 1920 there were 650 pounds imported, valued at $10 a pound, and in 1921 in 9 months there were 6,796 pounds imported, valued at $816. That is all there is to it; and they are all luxuries. There are not enough of them used in the United States to establish a business, outside of the thermostatic metal, and only one little concern up in New Jersey is making that.

Mr. HITCHCOCK. Mr. President, I realize that we are laying tariffs here for the benefit of one little concern here and another little concern there; but in the aggregate the result of these thousands of increases that are made is going to be that the American people will have to pay the piper.

Mr. SMOOT. The result of the establishment during the war of the thermostatic metal manufacturing industry in the United States has been that the German manufacturer has not had it his own way and charged whatever price he wished.

Mr. HITCHCOCK. Mr. President, if the Senator from North Carolina will permit me in his time, I should like to add to the collection of editorial comments from Republican newspapers which he has heretofore had put into the RECORD for the edification of the public and Senators; and I will read now, not from one of the metropolitan papers which the Senator from North Dakota says are seduced or bribed into antagonism of this bill by reason of any patronage; I will read from the leading Republican paper of Nebraska—the Lincoln State Journal. Its editorial comment on the speech made by the Senator from North Dakota [Mr. MCCUMBER] was as follows:

Senator MCCUMBER's preface to the tariff bill, as he introduces it in the Senate, is a remarkable affair. It will open the way to prosperity, he tells the country, but only in case certain other things are done. Among these other things are reductions of prices to consumers whose incomes are not now enough to furnish them the goods they need. Manufacturers must reduce their prices, says Senator MCCUMBER, and confine themselves to meager profits until the consumer gets on his feet again. The people, on the other hand, must work harder and produce more. This done, the new tariff will be a success, and we shall fly with the geese.

This is as if the doctor told us to dig hard in our garden, eat only wholesome food, drink plenty of water, and keep our mind calm, and he would guarantee his pills to cure our alimentary disorders. Which, then, is the cure? If we should all go to producing at our level best, and all profiteering were stopped, would not the country hum with prosperity though the tariff remain as it is or even lower?

There is even a touch of the pathetic in the Senator's plea. He is introducing a measure which, if it performs according to its professed purpose, will enable the manufacturers to increase their prices. There its supposed benefits lie. And the introducer tells the manufacturers, whom he is empowering to raise their prices, that prosperity depends upon their not raising prices.

His bill is intended to increase the cost of living. It fails of its purpose if it doesn't do that. And its introducer announces, as he introduces it, that the cost of living is already too high to permit the farmers and the laboring classes to be the adequate consumers upon whom prosperity ultimately depends. The manufacturers are to hang their clothes on a hickory limb and not go near the water.

Mr. President, I desired to have this editorial incorporated in the RECORD not only because it is from a Republican newspaper but it is a Republican newspaper in an agricultural State and the leading Republican newspaper, and it deprives the Senator from North Dakota, who also comes from an agricultural State in the West, of the contention that only certain Republican newspapers in the East are condemning his bill.

Mr. SIMMONS. Mr. President, I shall have to discuss and will discuss this from the standpoint of the statements of facts made by the Senator from Utah. I want this item understood. Paragraph 309 reads:

All iron or steel sheets, plates, bars, and rods, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated.

There we start on a new subject.

Mr. SMOOT. Does the Senator really want to know what that means?

Mr. SIMMONS. I am not discussing that now.

Mr. SMOOT. The Senator asked whether it had any reference to sheets or plate composed of iron, steel, and so forth, and whether it bore an additional duty. Paragraph 308 covers "Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of an inch, forty-five one-hundredths of 1 cent per pound." That refers to the sheet made of steel.

When you take a sheet and galvanize it, there is an additional duty of two-tenths of a cent a pound over and above the duty imposed on the plain steel, iron, or steel sheet, but it has

nothing whatever to do with the items following the semicolon in this paragraph.

Mr. SIMMONS. Exactly; and the committee amendment raising the rate from 28 to 30 per cent applies to that part of the paragraph beginning on line 22?

Mr. SMOOT. That is true, after the semicolon.

Mr. SIMMONS. That is what I said a little while ago. Now, I want to read the language beginning in line 22:

Sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding.

Now, I want to read from the Tariff Commission's report under this head:

Sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding.

That is the identical language, word for word. Having given the subject matter of the statistics, the summary proceeds to give the imports:

For 1920 the imports were 650 pounds; for 1921, nine months, they were 6,796 pounds.

Mr. McCUMBER. This is an article not produced in the United States at all.

Mr. SIMMONS. That is what I wanted to get at a little while ago. I asked the sponsors of the bill to give me some data.

Mr. McCUMBER. Therefore, this particular matter covered by the 28 per cent or the 30 per cent ad valorem does not come in competition. They are little molds for making chocolates, for instance, which we purchase, and the use is exceedingly limited. Therefore the importations are exceedingly light. They are used only for little special purposes, such as making the molds into which you run chocolate to make the chocolate cakes which are sold, and for some few other light purposes. It is a revenue duty upon those particular articles.

Mr. SIMMONS. The question I asked the Senator from Utah, after I read that, at the beginning of my remarks, was, What is the extent of the production or consumption in this country? The Senator gave me some figures which were very large, and my argument has been that if there was any such production as that, there could be no justification for this duty.

Mr. SMOOT. The Senator ought to be fair. He asked me the production, and I gave the production in the United States of all the articles in that paragraph.

Mr. SIMMONS. The Senator doubtless misunderstood me.

Mr. SMOOT. I have already told the Senator they were luxuries, pure and simple, and the only metal we are making to-day falling under that paragraph is, as I said, thermostatic metal, and that is made by one concern in New Jersey.

Mr. SIMMONS. Then I understand this duty is imposed as a revenue duty?

Mr. McCUMBER. Pure and simple.

Mr. SIMMONS. Am I right about that?

Mr. McCUMBER. If we do not produce it in the United States, of course, it must be for revenue and for revenue only.

Mr. SIMMONS. That is what I assumed. Now, the balance of that paragraph, which imposes an additional duty of two-tenths of 1 cent per pound, is the subject I wish to discuss for a few moments, and I shall give the Senator some information upon that.

We have some data about it. I read now from the summary as to paragraph 309. It gives the production of the articles covered in the whole paragraph, and, of course, includes the little item we have just discussed, of which it now appears the production and importations are small. In reading I shall give only the round numbers. The summary states:

The country's output of iron and steel galvanized sheets in 1920 amounted to 889,668 long tons, or 2,000,000,000 pounds.

Again it says:

The production of galvanized sheets in 1914 amounted to 1,939,000,000 pounds, of which 130,000,000 pounds consisted of galvanized formed products.

So we have a production in this country, of these two items, of practically 4,000,000,000 pounds.

The figures of imports follow immediately after that. In 1913 the importation of plates, sheets, and so forth, covered by this paragraph, amounted to 28,000,000 pounds, valued at $973,000, and in 1914 to 49,000,000 pounds, valued at $1,000,000, in round numbers. It will be observed that in 1913 and 1914, respectively, we had imports of 28,000,000 pounds, and of 49,000,000 pounds, as against a 4,000,000,000-pound production. Let us go a little further.

In 1918 the imports fell off very materially, and they were, as given by the Senator, 649,000 pounds, valued at $206,000, a tremendous falling off since 1914. That falling off continued through the war.

What about the exports? Let me again say that for the nine months of 1921, as against a 4,000,000,000-pound production, we had an importation of only 3,640,000 pounds. Nobody could say for a minute that that quantity of importations, insignificant when compared with our domestic production, could possibly affect the price of the American product.

If that were all, it would not be quite so bad. Let us see about the exports of that product. The Tariff Commission summary states:

Exports greatly exceed imports. During the calendar years 1918–1921 the exports of galvanized iron and steel sheets and plates have been as follows:

	1918	1919	1920	1921 (9 months).
Quantity.....pounds..	153,982,456	227,669,237	242,745,308	102,074,891
Value.....	$12,609,628	$15,223,289	$16,727,590	$6,709,611

Which is many times the imports. There is your problem, 4,000,000,000 pounds production, imports of about 4,000,000 pounds during nine months of 1921, probably amounting to 5,500,000 for the year, though I have not calculated it closely, with exportations many times the quantity of importations.

If Senators think that those facts justify increasing the rate of the present law, or if they think they justify increasing the rate adopted by the House, I can not understand the theory upon which they are proceeding, and I quit the subject so that the Senator from Utah may have an opportunity, if he wants it, to tell the Senate and tell the country upon what rule or reason, with this state of facts, they impose this rate. The facts I have stated come from the record; they are the result of the investigations and findings of the Tariff Commission, not the statements of persons who are opposed or persons who are in favor of the bill, but supposed to be the statements of a nonpartisan and impartial board. If he can explain to the country the reason for the rate, upon that basis of facts, I should be delighted to have him do it. If he can show that the Tariff Commission have misrepresented the facts, and that these are not the facts, but that there are other facts which would justify this rate, I would be happy to have him give those facts.

Mr. SMOOT. Mr. President, I do not know that I have anything more to say than I have already said, except that I want to refer now to the exportations for the years to which the Senator referred. The Senator referred to the pre-war exportations as being very small. When the war began, or beginning with the year 1914, our exports, of course, greatly exceeded the exports before that time. England could not ship any of this to Cuba and to Canada and to Argentina and to Mexico. The whole thing was thrown on the United States and they had to furnish it.

Mr. SIMMONS. If the Senator will pardon me, he must have misunderstood me. The exports I read were for the years 1918 to 1920, inclusive. There was nothing then in the way of England exporting to Canada.

Mr. SMOOT. I am not talking about that. Everybody knows they could not do that. I will say to the Senator that he did not call attention to 1921. The exports in 1921 were not half what they were in 1920.

Mr. SIMMONS. If I did not call attention to 1921, it was a mere inadvertence.

Mr. SMOOT. Those exports went to Canada, Cuba, Argentina, and Mexico.

Mr. SIMMONS. But the Senator called my attention to the first nine months of 1921.

Mr. SMOOT. It was only 102,000.

Mr. SIMMONS. For nine months, and for the year it would be a little more than that. But I called the attention of the Senator that that is many times the imports.

Mr. SMOOT. Yes; it is greater than the imports.

Mr. SIMMONS. It is probably twenty-five or thirty times greater.

Mr. SMOOT. But Canada is right at our door, Mexico is right at our door, South America is close to us, and we always export to those countries. We always will, I think. I do not think there is any question about it at all. The whole paragraph is built on paragraph 308, that we have just passed, giving two-tenths of 1 cent. The 30 per cent that the Senator speaks of has nothing whatever to do with the exports. The 30 per cent referred to by the Senator is for items that we do not make in this country. They are luxuries of the highest type, as I have already said.

Mr. SIMMONS. The Senator probably is correct about that, and probably I was incorrect when I referred to the 20 and 30 per cent, but the same thing applies to the other rate, and that is the additional rate of two-tenths of 1 cent a pound.

Mr. SMOOT. Certainly, as between 15 per cent and the two-tenths of 1 cent per pound. I am aware of that. I simply wanted to make the correction as to the 15 and 30 per cent on the items to which the Senator referred. That only refers to importations here of about 6,000 pounds of luxuries which we do not make in this country, with one possible exception that is made by one concern located in New Jersey.

Mr. SIMMONS. The Senator did not understand me as intending to discuss it. I was not discussing it. I was discussing the other part of it. I stated that the production of that article was very small and the imports negligible and that it was now claimed the duty was imposed as a revenue duty. I was discussing the additional duty of two-tenths of 1 cent, and I stated that the production of articles subject to that duty in this paragraph amounted to $4,000,000,000, while the imports are negligible and many times less than the exports.

Mr. CUMMINS. Mr. President, I wish to ask the Senator from Utah a question purely for information. I do not care anything about the duty upon the superimposed metals, but I am speaking of paragraphs 308 and 309, down to line 22. The duty imposed upon ordinary steel sheets is about $10 a ton or a little bit less than $10 a ton. That is a great article of commerce. Does the Senator from Utah believe that it costs in the United States $10 a ton more to produce an ordinary steel sheet than it costs in England?

Mr. SMOOT. I can not say whether it would or would not. That is the reason why I did not want to discuss the question involved in paragraph 309. As I said, the basis of this rate, outside of the luxuries, is found in paragraph 308. When the committee amendments are agreed to then I have not any doubt these matters will be discussed, and if they are changed of course we shall have to change paragraph 309 accordingly.

Mr. CUMMINS. We know that it costs in England, generally speaking, more for the raw material out of which the steel plate is made than it costs in the United States. It costs England a great deal more for coal and, therefore, for coke. I do not know of a single material that enters into the composition of a steel sheet, save labor—if you may call that an element—that costs in the United States more than it costs in England. I do not know anything about Germany. That is my difficulty in coming to any conclusion whatever about these duties.

I would like to vote for protection and I intend to vote for protection, but my judgment is—without specific information, and it seems to be inaccessible—that the United States can make steel sheets cheaper than they can make the same article in any other country in the world, unless it is in Germany under present conditions. I do not know what may be the labor costs in Germany and the coal costs in Germany and the cost of other materials that are necessary in the production of this article. I am under very great difficulty with respect to voting upon these duties. The highly fabricated articles, such as we find in many parts of the bill, I care little about, but the real volume of the production of steel in the United States, the steel sheets, the girders, and joists, all the building steel, is produced cheaper than they produce it anywhere else in the world, and, in my judgment, no duty whatever is required for the protection of the American industry.

Mr. HITCHCOCK. Mr. President, will the Senator permit an inquiry?

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

Mr. CUMMINS. I yield.

Mr. HITCHCOCK. Referring to the statement of the Senator from Iowa that we have not any knowledge as to the cost of production abroad compared with the cost of production at home, I would like to ask whether, in the absence of that information, we are not safe in taking the statistics of imports, and if the imports show a decline over a long course of years can we not safely judge that there is no danger of any destructive importations?

Mr. CUMMINS. If we were normal, I would regard the imports as secondary evidence, in the absence of the primary showing upon which I mainly rely, but I do not regard prices as of any value whatever in determining what the duties ought to be.

Mr. HITCHCOCK. Let me call the Senator's attention to the paragraph of which he is speaking, 308, which is very important, and which we shall take up later, I suppose. I notice that the imports in 1910 were considerable; that is, they were 13,000,000 pounds. Since that time they have been on an almost steady decline until in 1919 they were only about 2,500,000 pounds, showing that imports are becoming negligible in the items to which the Senator is now referring.

Mr. CUMMINS. The reason the imports are not a good guide, or not an accurate guide, at any rate, is that Europe is not normal. Europe is in a state of reconstruction.

Mr. HITCHCOCK. I ask the Senator not to reach that conclusion without bearing in mind the fact that I go back to 1910, when Europe was normal, and when the imports fell off in 1911. They were about the same in 1912. They fell off again in 1913, which was prior to the war, showing that the tendency was that their competition was failing as against the American output, even though the tariff duty under the Underwood law was only 12 per cent.

Mr. CUMMINS. In 1909 I examined the metal schedule with a great deal of care, and proposed a substitute for the schedule which expressed my views with regard to the duties which should be imposed at that time. But I do not know anything about the cost now there or here, and even if we knew what the cost there is to-day and knew what it is here to-day, we would not know what it would be to-morrow, because commercial conditions are shifting and changing so rapidly and so radically that I do not see my way clear to establish duties upon that basis. I am wondering whether there will not be found, before we are through with the bill, some other reasonable basis upon which we may proceed.

Paragraphs 308, 309, and 312 comprise a very large part of the production of steel, not only in our own country but in other countries as well. I hope that before we have finished the consideration of this particular schedule the members of the Finance Committee, who have examined the question as carefully and as thoroughly, I am sure, as it can be examined, will give us a little more information than we now have with regard to present costs and probable future costs in the competing countries of the world. I can only repeat that my general information has been that in the great heavy productions of steel which comprise probably ninety-nine one-hundredths in volume of the entire production, we have reached a position in which we produce as cheaply as others produce anywhere. That may be disturbed, that may not be true in the present moment. I do not know. I have not been able to find out.

But we ought to be careful with regard to the metal schedule, especially careful about it, because 50 per cent of our production comes from one corporation and it is perfectly well known that it for years has fixed the price of substantially all the commodities which it produced and in which it deals, and that the less favorably situated industries are glad to follow that price. They go up if the Steel Corporation permits them to go up, and they come down when the Steel Corporation compels them to come down. I do not regard that as effective competition. It is not what the country is entitled to in order to make competition an influential force in fixing prices. Now we are confronted with a situation in which it may be that all of the other steel companies of the country will combine, and then we shall have two great corporations, at the most three, producing these articles. It is idle to expect that under such circumstances there will be any effective competition, because the intimacy is so great that we shall have to depend upon something else than the competitive course in order to fix the price of the great bulk of the steel products. I myself do not want to go to the point toward which we are being driven every day at which the Government will be compelled to fix prices and to limit profits. That to me is an abhorrent suggestion. It may be that we must reach it and will reach it, but I do not want to see that policy established in the United States if it is possible to avoid it. Therefore I am in favor of adjusting these schedules upon the basis of affording whatever fair competition we may expect from abroad. I do not know that that will be effective, but it is one of the things that we ought to bear in mind, and that I intend to bear in mind when I come to vote on schedules like this one.

Mr. STANLEY. Mr. President, will the Senator from Iowa yield to me?

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

Mr. CUMMINS. I yield.

Mr. STANLEY. In connection with what the Senator from Iowa has so pertinently observed, I call his attention to paragraph 312 of this bill as illustrating the vice of an excessive duty. That paragraph covers—

> Beams, girders, joists, angles, channels, car-truck channels, tees, columns and posts, or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel.

Mr. President, the principal item there is structural steel, although there may be a few other things included. Structural shapes are, as the Senator from Iowa has so wisely said, more and more essential to every phase of our industrial life. With the perfection of the use of cement and other like materials in connection with structural shapes, residences, business houses, hotels, warehouses are all now built, to a greater or less extent, of steel. Our bridges, our culverts, and our highways are also all dependent upon these essential articles. No less an authority than Mr. Carnegie himself has stated that there is no competition whatever between the American producer and the foreign manufacturer. According to Carnegie himself, you may put structural shapes on the free list and yet not a beam, a girder, or any other form of a structural shape will be imported, for the reason that such shapes are standardized just as building materials of wood are standardized. We have 2 by 4's of the 10 and 12 foot lengths. The structural shapes on the continent of Europe are standardized on the metric system; so that the French manufacturer and the German manufacturer do not make the identical length that we need. If the builders of skyscrapers or bridges should attempt to import structural shapes, they would have to get a foreign expert to figure out just what they would need in meters and kilometers and the like instead of in inches and in feet.

The import statistics show how true that it. While a few structural shapes, which include many articles such as bulb beams or columns, or something of that sort, may have been imported into the United States, yet in 1920 we imported only $284,167 worth of structural shapes—about 3,000,000 pounds. In the same year we exported $28,956,819 worth of structural shapes. Our exports are 100 to 1—yes, 200 to 1—over our imports. The imports are absolutely negligible; they are not one-half of 1 per cent; and yet this bill proposes to place a duty of 30 per cent on every I-beam or every girder or every joist that goes into any character of building in this country, because Senators will notice the same old joker is in this bill, for its framers have provided first a duty of 1 cent per pound.

Mr. CUMMINS. The proposed duty is seven-twentieths of 1 cent per pound.

Mr. STANLEY. The Senator from Iowa informs me that it is seven-twentieths of 1 cent per pound duty. Then there is an additional provision which reads:

any of the foregoing machined, drilled, punched, assembled, fitted, fabricated for use, or otherwise advanced beyond hammering, rolling, or casting, 30 per cent.

Senators have noticed that in the construction of buildings the materials are assembled and then the pieces are riveted together. All they have to do is to punch one hole in a beam or a girder and it falls under the phrase "fabricated," and there is an additional duty of 30 per cent. So there is an additional 30 per cent duty on the most essential material for construction purposes which is known in this country, when not one cent is necessary, and, as the Senator from Iowa has well observed, it can only operate as a guaranty against any possible competition invited by inordinate home prices.

Mr. CUMMINS. Mr. President, the Senator from Kentucky probably has later information than I have, because I have not studied this subject for several years; but there was some structural steel imported along in 1909 and 1910. Of course, it could only be used in the seacoast cities. There were several large buildings in New York along in those years constructed out of imported structural steel, simply because the contractor believed that the home producer was charging too much for it, and he got it a little cheaper abroad than he could get it at home; but no part of the imported structural steel could get 50 miles away from the seacoast. The transportation charges, even upon equal terms, would forbid the English manufacturer getting his structural steel to Pittsburgh or Chicago. The steel that is manufactured at Chicago, at Pittsburgh, and other interior places would have so tremendous an advantage over any imported steel that no large volume could be imported or could be used except at the very seaboard.

I am saying this because I feel perfectly helpless with regard to this bill. I have a view with regard to the doctrine of protection, and I have not changed my opinion in any degree since I did what little I could to secure fair rates in 1909 and in 1913; but the whole basis upon which we acted at that time has disappeared, apparently, and we are not able to compare the costs so as to introduce a competitive system.

I had greatly hoped at one time that the Senator from Alabama [Mr. UNDERWOOD] would abandon the delusion of a tariff for revenue only, which has never been enacted in the United States and never will be, with any accuracy or fidelity, and would enlarge upon what he called in 1913 a competitive tariff. I can not see very much difference between a competitive tariff or a tariff levied upon competitive principles and a tariff for protection. However, my Democratic friends still insist upon harboring the delusion that we can enact a tariff for revenue only. There is no such thing; that is, no such thing that would be adopted by the people of the United States. A tariff for revenue only and free trade are synonymous terms in the terminology of political economy, and political economists generally use them as synonymous terms. Free trade does not preclude levying duties upon articles which the country levying the duties does not produce, and a tariff for revenue only, when it is properly applied, permits the levying of duties only upon articles which the country levying the duties does not produce, as is evident from a moment's consideration of the subject.

The great objection which our Democratic friends have to a tariff for protection is that it increases the price not only of the imported article but of the domestic article as well, and, unless that objection is overcome by corresponding benefits and advantages growing out of a tariff for protection, the argument is perfectly sound. The notion that we have a right to levy a tax for the benefit of one man or one producer or a dozen producers is obnoxious to every man who loves justice. We do not levy protective duties in order to make a producer rich or in order to give him profits; that is not the purpose of levying protective duties; but we levy them because we believe that they are just as advantageous to the consumer as they are to the producer. If they are not as advantageous to the consumer as they are to the producer we ought to abolish and abandon the notion of protective duties. The fundamental idea of protective tariff is to keep the people of the country which levies it at work; it is to give them employment and to enable them at least to supply themselves with the articles which they consume.

I know that mathematically it can not be accurately applied; but that is my notion, at least, of a protective tariff. It is to make our country as nearly as possible autonomous, self-sustaining; and every workingman who does not receive advantage or benefit from the levying of a protective tariff has just cause for complaint against it. We can not keep our people at work if we resort to the old plan of producing only those things that we can produce more cheaply than they can be produced in any other country in the world. We can neither develop our country, nor, having it developed, can we keep in employment our men and our women upon any such principle as that. If we had been devoted to free trade or the principle of a tariff for revenue only, we would have been an agricultural country alone, because I suppose that we can produce many kinds at least of products of agriculture cheaper than they can be produced anywhere else.

But that is all aside. I have waited for this opportunity to say just a word with regard to this particular matter. I have waited until the metal schedule was before the Seante, because I know more about the metal schedule than I know about any other schedule, unless it is one or two rather unimportant schedules that come later. I hope I shall be able to sustain the committee. My desire is to sustain the committee. I think that this is the most inopportune time of all the times I have ever known to enact a general revision of the tariff law, and in that respect I agree with the Senator from North Dakota [Mr. MCCUMBER], who expressed the same general idea the other day. I would not have entered upon a general revision of the tariff. The time has not come for it. The information that is necessary is not at hand, and even if it were at hand for this moment we could not depend upon it as a basis for action to-morrow, or next month, or six months hence.

If I could have had my way—and I have urged this upon my associates with all the strength I had—if I could have had my way about it, I would have allowed the existing tariff law to remain as the general law upon the subject, including the emergency tariffs which have been enacted since the revision in 1913. I would have then given the President or the Tariff Commission, preferably the latter, the authority to ascertain from time to time the difference between the cost of production in competitive products at home and abroad; and having ascertained that difference I would have had the President proclaim that difference, and then, by the law itself, I would have levied upon the products so examined the difference between the cost of production at home and abroad so ascertained, whatever it might be.

That, it seems to me, would have relieved the country of the disturbance through which we are now passing. It would have afforded reasonable guaranties to our producers that whenever they were unable to meet the competition from abroad by reason of comparative cost of production the duties would be raised to measure that difference. I think we have the authority under

the Constitution to clothe the President or the Tariff Commission with that power. I think the questions which arise with regard to the constitutionality of the present bill upon that subject would be entirely absent if the plan that I have suggested were employed. That is what I would have liked to do; but, inasmuch as I was powerless to affect the situation, I intend, whenever I am not clearly convinced that the committee has made a mistake, to follow the committee; but whenever I feel well convinced that the duties which it has imposed are too high, I intend to vote my own sentiments with regard to the question, handicapped as I am by inability to ascertain what the difference in the cost of production in this country and in other countries is at the present time.

Mr. HITCHCOCK. Mr. President——

Mr. CUMMINS. I yield.

Mr. HITCHCOCK. From the Senator's closer relations with the committee, has he been able to learn what emergency requires the introduction and consideration of this bill at the present time?

Mr. CUMMINS. I know—I think I know—that the Republicans generally do not believe that the Underwood-Simmons bill protects the industries of the United States, and I share that belief in very many respects, and I assume that the Republicans believed that the sooner the law was brought into harmony with the Republican doctrine rather than the Democratc doctrine the better it would be for the people of the United States; and that reasoning would have been absolutely sound had it not been for the disturbed, chaotic condition of the world that renders it impossible to ascertain just what duties ought to be levied in order to embody and to carry out what I understand to be our doctrine of protection.

Mr. HITCHCOCK. Will the Senator state in what the evidence consists that the existing law does not adequately protect, or in any way endangers, existing industries? What would be the evidence of it?

Mr. CUMMINS. That question I can not answer abstractly.

Mr. HITCHCOCK. Would it not inevitably be the evidence of imports coming in here in increasing volume?

Mr. CUMMINS. As I have remarked before, I do not look upon imports, under the present circumstances, as a reliable guide to the future.

Mr. HITCHCOCK. No; I was not asking that. What would be the evidence of danger? Would it not necessarily be excessive imports?

Mr. CUMMINS. It would be evidence of danger.

Mr. HITCHCOCK. In the absence of excessive imports—and we have shown that in one schedule after another—how can it be claimed that there is an inadequacy of tariff?

Mr. CUMMINS. This law, I take it, is being enacted to care for the future; and the committee, I believe, has done the best it could to peer into the future, and to predict or assume what the conditions of the future will be; and they must have done that, because there was no other basis upon which to proceed. I do not criticize the committee in any respect, but I particularly do not criticize the committee for refusing to accept as conclusive the fact that the imports of a particular article or commodity may have been very negligible, because, if the committee believed that to-morrow or next month or next year the imports would very greatly increase, from the standpoint that the committee was occupying I think it was entirely proper to provide duties upon that hypothesis.

Mr. HITCHCOCK. The Senator will recall that we have had before us the tariffs on such articles as cement and ink and wood alcohol, and others in which the United States manufactures half of all the product of the world, and in which it has a great export trade. Does the Senator think that taking those articles from the free list, or increasing the existing duties, is justified by peering into the future and making a tariff based on fears?

Mr. CUMMINS. I am not going to criticize or condemn the committee. I can only say what I think about that subject. So far as I am concerned, I think that to put a duty on Portland cement is little less than absurd. That is my judgment, but that is an individual judgment.

Mr. HITCHCOCK. It is a very wise judgment; I will say that to the Senator.

Mr. CUMMINS. And it, I understand, is justified only by the suggestion that there are certain small manufacturers of Portland cement along the border, and that there may be competition between Canadian cement and cement manufactured in our own country. I do not regard that as sufficient to warrant a duty. Save in those limited communities, the duty will have no effect. It will neither increase nor decrease the price of cement. That may be affected by combinations and understandings between American mnaufacturers; but the price of cement in Omaha, where the Senator lives, or in Des Moines, where I live, will not be in any respect affected by the duty which is put upon it. I know nothing about ink.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. ROBINSON. If it should appear conclusively, as I believe it does, that the cement industry is controlled by a trust, in violation of the provisions of the Sherman antitrust law, and the proper authorities of the Government should institute and prosecute successfully proceedings to dissolve the trust, it might result that from a low tariff competition would permit the people who use cement and the industries that use cement to obtain it at a lower price, might it not? The Senator does not mean to say that because of the price control that unquestionably exists in the cement industry that control should be fastened upon the public and made more secure by an increase of the duty on cement importations?

Mr. CUMMINS. No. On the contrary, I have just said that I was not in favor of a duty on Portland cement; but I repeat that the possibility of any competition preventing an increase in prices is so remote that I can not believe that, even assuming that there is a combination that controls the price, the combination could increase the price to the point of competition. It could not do that, because it would destroy the market for cement before it would reach the point at which the foreigner can import any considerable quantity of cement.

Mr. ROBINSON. Will the Senator be good enough to yield to me for a further statement?

Mr. CUMMINS. I yield.

Mr. ROBINSON. In view of the price history of this commodity extending over a period of the last five years, and in view of the complete control which the combinations in the industry now exercise over the price, any price may be charged that the industry will bear—that is, short of a suspension of the use of cement in the United States. If there is any virtue in the antitrust law, and that statute should be invoked and the trust dissolved, it is entirely possible, in my opinion, that the cement industry could be conducted profitably in this country upon the basis of two-thirds or one-half the price that is now being charged. In that event a diminution rather than an increase in the tariff might expedite and facilitate price reductions in this necessary commodity.

Mr. CUMMINS. I do not see the connection between the statements of the Senator from Arkansas. It may be that the proceedings which are now in progress will result in a dissolution of what is called the Cement Trust. I know nothing about the merits of that controversy, but my observations of the dissolutions which have taken place do not justify a belief that competition will be effectively restored by the dissolution.

What I mean to say is that before a combination, as it exists now, or as it may be hereafter, would be able to raise its price to a point that would enable manufacturers of cement in foreign countries to reach the United States, or any considerable part of the United States, it would have reached a price which would have been more than the traffic could bear, if I may use that expression.

Mr. ROBINSON. That price has almost been reached now, and there are substantially no importations, as the Senator states.

With respect to the effect of dissolutions of trusts, I presume the Senator means, epigrammatically speaking, that a dissolution does not dissolve; that the experience of the country, under the operation of the antitrust law, is that actions which have apparently been successful in efforts to dissolve trusts have resulted in the reorganization of the trusts, and their proceeding under other forms. If there is any virtue in the antitrust law at all, it must be admitted, particularly under the circumstances shown to exist in connection with the cement industry, that the dissolution of the trust would result in price reduction. If it does not, we would just as well submit to the power of this organization to fix any price it chooses, which, I think, in the end, would mean any price which the industry will bear, the highest price which can be charged without suspending the businesses which are conducted by reason of the production of cement.

Mr. CUMMINS. I sincerely hope that our experience in the future will be more fortunate, as far as the dissolution of trusts is concerned, than it has been in the past.

Mr. ROBINSON. I concur in that hope.

Mr. CUMMINS. My belief is that when these great combinations are dissolved, there is some one company producing the commodity a little more cheaply than any other company, and it controls the price, and every other producer is very glad to

go to that price. That is the reason we have had no great reduction brought about by the dissolution of the Standard Oil Co.

I suppose the United States Steel Corporation can still continue to exercise the influence it can and does wield over production and the price of steel. On an average I venture to say it can produce the heavier forms of steel for $10 or $12 a ton cheaper than its competitors can produce those same forms. It has allowed its competitors to live because it regarded it as for its interest to do so, but there has not been a time in 15 years in which within six months the United States Steel Corporation could not have bankrupted every independent organization in the land, or at least reduced its profits so that the continuance of the industry would have become impossible.

Those are conditions we have to deal with in some way or other. No man has yet been genius enough to present a plan which will deal with these situations short of the Government undertaking to fix prices or limit profits, and we are shrinking from that course now, and I think we may very well shrink from it. It is one of the problems we have yet to solve, and the man who does solve it successfully, or the Congress which is able to introduce and carry into effect a plan which will restore and preserve reasonable, fair competition, in the production of the United States, will be entitled to a great deal more than the plaudits of his fellow men. He will be entitled to a very secure and permanent seat in the heavenly land. While that has something to do with the tariff, its connection is somewhat remote. We have always to consider transportation when fixing tariff duties.

This bill in my judgment lacks an essential element, in not providing against the dangers which are always present of enabling carriers to neutralize the duties which are imposed upon a given product by the adjustment of rates of transportation. We were debating here yesterday the earthenware schedule. Some years ago I had occasion to look into that, and at that time the producers of earthenware in England, in France, and in Germany as well, could reach the interior points of the United States, as far west as Chicago, at a rate which absolutely destroyed the protection or the advantage which was attempted to be conferred by the levying of the duties. If one brings in a shipment of earthenware to New York, and if that importer can reach Chicago for one-half the rate which his rival in New Jersey must pay in order to reach Chicago, the effect of your duty is gone, and I think the consideration of that question is a part of the consideration of every tariff inquiry.

At one time I introduced a bill to cure that evil, but unfortunately, I could not secure consideration of it. The importer in New York, when he seeks to reach an interior point, ought to be required to pay the same rate of transportation that the producer in New Jersey or in New York pays. Simply because a part of the carriage is over the ocean, he ought not to be able to use the land lines of the United States in a way which discriminates against the home producer.

But I must suspend. I had no notion of going into this subject generally when I arose, but I wanted the opportunity, of which I have availed myself, to state in a general way my attitude toward this bill.

Mr. McCUMBER obtained the floor.

Mr. NORRIS. Before the Senator from Iowa leaves the floor, I want to ask him a question.

Mr. McCUMBER. That means several questions and answers, back and forth, and I shall not take more than five minutes myself.

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

Mr. NORRIS. I think the Senator has just now stated a very interesting proposition, one which he knows about, too. He has said that a man over in London or Paris or Berlin could ship his goods from that place to Chicago at a lower rate than the rate at which the manufacturer of the same article could ship from New York, let us say. If that is the condition, it is to my mind intolerable. As I look at it, however, it is entirely a question of transportation. Does the Senator think that we can remedy that situation by a provision in a tariff bill? Should we not meet it in another way, and do we not have to meet it in another way?

Mr. CUMMINS. Naturally, we would have to meet it in another way, by an independent measure; but when we are endeavoring to levy duties which will protect American producers, and when we know that the foreign competitors secure an advantage, in the way I have suggested, which goes far to destroy the benefits of the duty, I think it would be entirely proper to put it into the tariff bill.

Mr. NORRIS. In that case, you make the consumers of the article pay an exorbitant price, because of transportation charges; and if that is wrong, if they ought not to be required to do it; in other words, if the thing itself is wrong, it does not seem to me the attempt to meet it in this indirect way would be a remedy.

Mr. CUMMINS. But the thing is not wrong. It costs so much to transport an article from New York to Chicago, and the rate is based in a general way on the cost of the service. It costs as much to take a car which has been loaded with goods coming from Europe as it costs to carry a carload of goods from New York or New England or New Jersey.

Mr. NORRIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Nebraska to ask another question.

Mr. NORRIS. I am not asking the Senator from North Dakota to yield.

Mr. McCUMBER. Then I decline to yield, as I have the floor.

Mr. NORRIS. I asked the Senator from Iowa if he would yield, and he has yielded.

Mr. McCUMBER. Mr. President, I was recognized, and I decline to yield if the Senator is not courteous enough to ask me to yield to him.

Mr. NORRIS. I make the point of order that the Senator from Iowa had the floor, and not the Senator from North Dakota.

Mr. McCUMBER. The Senator from Iowa had completed his speech, and the Senator from North Dakota obtained recognition, and started to make a statement when the Senator from Nebraska turned to me and asked if I would yield to allow him to ask a question of the Senator from Iowa.

Mr. NORRIS. I did not. The Senator is entirely mistaken.

Mr. McCUMBER. Then, if he did not, I have not yielded.

Mr. NORRIS. If the Senator has not the floor, of course, I have a right to ask the question.

The VICE PRESIDENT. The Chair understood that the Senator from Iowa had completed his discussion and had yielded the floor, and the Senator from North Dakota was recognized.

Mr. NORRIS. Then we will not get any information on that subject.

Mr. McCUMBER. Possibly the Senator will get some information if he will be a little patient.

Mr. President, I want the attention of the Senator from Iowa, because the Senator from Iowa has presented a sort of a rule which he thinks should be enacted into law, and which would authorize the President, or preferably, he says, the Tariff Commission, to fix these rates. The rule which the Senator from Iowa would adopt is that the President or the Tariff Commission should ascertain the cost of production of a certain foreign product in the foreign country, and ascertain the cost of production of the like article in the United States, and then apply a duty which would measure this difference.

As a general rule, or at least to some extent in some instances, that rule might work, but I think generally it would not work, and I will tell the Senator why. The Senator has already modified his rule himself, because, he says, we must take into consideration the question of freight rates. That means how we can get an article in competition with another article in a given territory.

That is all right if we stop right there and if we wish to divide 50–50 with the foreigner. But let us suppose that we have factories in the United States which are capable of producing all of a given commodity that we require for consumption in the United States at a reasonable price. Here is a foreign country that can produce the same article, we will say, at a lower price. The Senator would add to the cost of bringing that article into this country a duty which would equalize the two. Now what would be the result?

The result would be, other conditions being equal, that the producers in the United States who can produce all of a commodity at a fair compensation will share with the foreigner one-half of the market if both are able to fill that market. Would that be a good thing for the people in the United States? I do not think it would. We now, perhaps, produce very close to 95 per cent of all the articles we use in the United States. If we were to surrender 40 per cent of our trade and bring it down to about a 50 per cent basis, we certainly would be in a most precarious condition.

I would adopt the Senator's rule with this modification: I would give some advantages to the American producer beyond the mere advantage of equalizing the cost of placing an article in the market at any given point. I think the Americans should have a preference. Of course they have some advantage in being organized, and organized in their own country; but just remember that with American capital going into foreign countries, as it has been of late years, and American machinery,

too, there will be just as good an organization on the part of the importer to reach the American consumer as there will be on the part of the American producer.

So I would give an advantage to the American producer, but always keeping in mind that I would not have the rate so high that it would shut out importations entirely, because I believe there should always be a sufficient amount of importations to prevent any rise in price that would be an injustice to the American people. It is difficult to ascertain just what that should always be. Nevertheless we ought to come just as near to it as possible.

Take a case of the kind which the Senator from Iowa has just mentioned. Here is a product that is made in England and costs $1 per unit. Here is a like product that is made in San Francisco and costs $1.50 per unit. The Senator's rule, if there were no other modification, would simply add 50 per cent to the foreign unit and then they would equalize each other so far as the cost of production is concerned. But we will suppose that the consumption is all east of the Allegheny Mountains. Then we have to bring the American product from California to the eastern market at a freight cost, perhaps, of two or three dollars per unit. Immediately the American would be out of business.

So I agree that we must take into consideration the question of what the freight rates are, where the article is produced in the United States, the field of consumption, the importance of that field of consumption, and then determine what rate would give a fair competitive condition in that field of consumption. That means rates of duties which will take into consideration the matter of the freight rates as well.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. CUMMINS. There is no difference substantially between the rule stated by the Senator from North Dakota and the one that I stated. I did not amplify it as he has done. I stated the rule laid down in the Republican platform many times, especially the Republican platform on which I came to the Senate of the United States, and to which I still give my loyal adhesion.

The real difference between the cost of production at home and abroad can not be mathematically applied. It must be applied with good reasonable sense so as to produce exactly the condition named by the Senator from North Dakota. When the foreign article comes into the United States it lands upon one coast or the other. The center of population in the United States is just a little east of Chicago. In distributing the American product as compared with the distribution of the foreign product the American producer must necessarily have an advantage. It is his by virtue of the situation. No one can take it away from him unless, as I said, in the adjustment of freight rates the importer who ships from the coast to the interior has an advantage over the American producer who ships from the coast to the interior.

Mr. McCUMBER. I agree with the Senator there, and I think we can amplify it in another direction. I am doing this for the purpose of drawing to the Senator's attention the fact that I think in the administrative provision which we have recommended we can iron out many of these inequalities and differences. After all, if we should adopt a different rule or standard and say the duty should be such as would equalize competitive conditions, then I think we would have it very much nearer what we want. That would take into consideration a great many different elements which enter into the question of competition in the American market.

But I do not entirely agree with the Senator's rule, if applied in some other respects. Here is one situation: We have to take into consideration not only the interests of the producer but the interests of the consuming public. If we find an article produced in the Rocky Mountain region that has its consumptive demand in the Allegheny region we have to take into consideration whether the thing produced is of such importance as that we can justify a protective rate at all. In some instances we have had to say that it is so unimportant as compared with the importance of the consumptive demand that we can not afford to develop that industry in the United States.

Then we find another situation. Sometimes the freight rates are such that it is impossible, without imposing upon the public, to give a rate that will allow the producer in the Rocky Mountain section to reach the consumer along the eastern coast. So we have given rates in some instances that will allow the western producer to reach, say, as far east as Chicago and have the western market, but have not given him a rate on which he can possibly compete with the foreigner along the eastern coast. In that way we have tried to protect the American industry and at the same time prevent such a high charge against the consumer in the eastern section of the country. So here again we would have to modify the rule laid down by the Senator from Iowa.

I will give one instance in which I think we could not apply the rule. Suppose a product is produced in Canada at the same cost for which it is produced in the United States. The Canadian can bring it over here freely. There is no difference in the cost of production, therefore there will be no duty at all. But let us take wheat, for instance. Let us suppose that the American producer, while it costs him no more to produce than it costs the Canadian producer, must purchase everything that he buys to live upon on a higher scale and standard of living, and pay for everything that he buys on the higher cost basis. I do not mean merely the implements necessary to run his farm; I mean other things that do not enter into the question of raising his crop. He pays a higher price because he lives on a higher standard of living, and, therefore, I would give him a protection as against the foreign product so as not to drive our product down to the price of the foreign product in a country where the cost of living is less than in this country. So the rule would not work in that particular case, if we are believers in the principle of protection.

I simply wanted to call attention, Mr. President, to the fact that while I agree with the Senator from Iowa as to what should practically be the rate of duty, I can see that the rule which he enunciates would require a great many modifications, as he himself says, to meet each particular case.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. I suppose it will now be conceded that I have the floor; and I suppose also that the Senator from North Dakota will let me ask the Senator from Iowa a question.

Mr. McCUMBER. In the Senator's own time, with pleasure.

Mr. NORRIS. I want to call attention to the fact, as the Senator did a while ago, that if he wants to interrupt when I have the floor he must get permission to do so. If he wants to interrupt me, he may look into the rules and find out how to do it.

Mr. President, I did what I have seen done a thousand times in the Senate. When the Senator from Iowa had announced that he was through, before he took his seat, I addressed the Chair and asked if I could ask him a question, and the Senator from Iowa consented. It seems that at the time when the Senator from Iowa announced that he was going to conclude the Senator from North Dakota addressed the Chair, and the Chair said that he had recognized the Senator from North Dakota. Of course, I had to accept the word of the Chair. It has been a custom hitherto, to which there has been no exception in this Chamber, when a Senator was addressing the Senate and concluded his remarks and was about to stop and some Senator wanted to ask him a question pertaining to what he had been discussing, that the Senator still held the floor, even though some other Senator had addressed the Chair. I have never known an exception of that kind until to-day. It seems that there is now a new rule.

If the Senator from North Dakota were as anxious to get information as he is to take advantage of a favorable ruling of the Chair, and a technical ruling at that, to shut some other Senator off who is trying to get information, he would get along with his bill a great deal better than he is doing.

Mr. President, the Senator from Iowa has told us of a very interesting situation, one which in the past at various times has been discussed to quite an extent. The Senator called attention to the fact that under former conditions it was possible for the manufacturer in Europe to ship his goods to Chicago under a combined freight rate from the place of manufacture in Europe to Chicago, which was less than his American competitor had to pay who was manufacturing his goods on the seacoast, or near to it; in other words, that a person in London could ship, let us say crockery, from London to Chicago and land it, of course, in New York from the boat, unload it from the boat and put in on the train, fill a car with it, while in the same train perhaps the next car to it might be loaded with the same product manufactured right there in New York or close by. The two lots of goods would go to Chicago in the same train, and yet the freight on the foreigner's product would be very much less from London to Chicago than the freight on the American product from New York to Chicago, and the foreigner could not only undersell the American on an equal market but that he could overcome the tariff that was imposed for the benefit of the American producer.

Mr. CUMMINS. Mr. President——

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

Mr. NORRIS. I yield.

Mr. CUMMINS. I think I did not state just what the Senator from Nebraska understood me to say. I did not say that I knew of any case in which the freight rate from London to Chicago was less than the rate from New York to Chicago; but what I did say was that the rate from London to Chicago was a great deal less proportionately, considered from the standpoint of the cost of service, than the rate from New York to Chicago.

I can not recall just what the differences were, but I know that I examined the question very carefully and introduced a bill to correct that practice. That was some years ago. I do not know what the rates now are, but I do know that the railroads were carrying imported goods from New York to Chicago for a great deal less than they were carrying domestic goods.

Mr. NORRIS. I think I have not misunderstood the Senator from Iowa. I did not mean to say that the Senator from Iowa had used London, for instance, as a place. I myself was merely illustrating the proposition that the Senator had laid down. I have looked into it, Mr. President, not so extensively, perhaps, as has the Senator from Iowa, but I know in a general way that what I am stating is true. I have investigated the matter; I have come in personal contact with it a good many times in the investigations which I have made. The Senator from Iowa, however, is an authority on rates, and I use his statement, illustrating it by a statement of my own. I do not want to misstate the Senator's position.

Mr. CUMMINS. I am sure that the Senator does not. I may have made my statement somewhat awkwardly. I do not remember whether the rate from London or any other foreign point to Chicago was absolutely less than the rate from New York to Chicago, but I know that what the railroad got for transporting the foreign goods from New York to Chicago was less than the railroad got for transporting the domestic product.

Mr. NORRIS. I very gladly accept what might be considered a slight modification of what I understood the Senator's original statement to be; but, Mr. President, I will make the statement on my own responsibility.

Mr. SMOOT. Will the Senator yield to me?

Mr. NORRIS. Yes.

Mr. SMOOT. I wish to state to the Senator from Nebraska that I can tell him that on crockery made in Germany and purchased by merchants in Salt Lake the freight rate from Germany to Salt Lake City was a little less than from Ohio to Salt Lake City.

Mr. NORRIS. I am glad to have the corroboration of the Senator from Utah for a statement I am about to make. I do not remember now, Mr. President, the particular place, but from a town on the main line of the Pennsylvania Railroad Co., somewhere between Chicago and New York, I think, in Ohio, although it may have been east of there, the freight rate on a shipment of crockery to a point in the West—I can not now state where; it may have been Chicago or it may have been farther west than Chicago; it might have been Omaha; but it was some place in the western part of the country, or the Middle West, as most people would understand it—was greater over that road from the particular point of manufacture to the destination of the shipment than the freight rate on a similar article from Europe passing through the same town over the same railroad to the same destination. There is no question about that being true. The records will show, Mr. President, that several years, ago a carload of sugar was shipped from San Francisco to Kearney, Nebr., over the Union Pacific Railway. The freight rate charged on that carload of sugar was the rate from San Francisco to Omaha plus the local rate from Omaha back to Kearney. The train going to Omaha ran through Kearney. When the train reached Kearney the men who had purchased the sugar tendered the freight from San Francisco to Omaha. It was refused and they replevined the sugar. There is no question that such rate schedules existed; but I do not believe the Congress of the United States ought to try to remedy a situation of that kind in a tariff bill by levying a tariff duty. To my mind, it is illogical, it is foolish, to think of doing such a thing in a tariff bill. A condition of that kind, in my judgment, can not logically be defended on any ground whatever; but we ought not to levy a tariff high enough to compensate for that dishonest freight manipulation. What we ought to do is to remedy the freight situation, because it applies not only to commodities that come from abroad but to shipments that originate in our own country.

Mr. CUMMINS. Mr. President, will the Senator yield again?

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

Mr. CUMMINS. I am afraid I was again misunderstood. I did not propose to change the tariff duties on account of the disparity in freight rates. What I suggested was that in a section of this bill it should be declared that the freight rate upon an imported article over the American railroads should not be less than the freight rate upon the similar domestic article. I had no thought, of course, of dealing with the situation through the medium of a duty levied upon commodities.

Mr. NORRIS. I entirely agree with the Senator in the statement that we ought not to try to rectify that situation by the levying of a tariff duty; we ought not in a tariff bill attempt to levy rates to equalize that kind of a situation; but, regardless of the kind of a bill to which a provision such as the Senator from Iowa has suggested may be attached, I should be glad to support it.

Mr. SMITH. Mr. President——

Mr. NORRIS. I yield to the Senator from South Carolina.

Mr. SMITH. Mr. President, I do not know why the particular phase of the situation to which reference has been made has escaped me, but nevertheless it has. I should like to ask either or both Senators, how does it come about that in our adjustment of freight rates a foreign shipper, say from New York to an interior town, is called upon to pay a less freight rate upon his shipment than the American shipper of similar domestic goods is called upon to pay? Is that on account of any international arrangement?

Mr. CUMMINS. I do not think it is on account of any international arrangement, but I think we have a foolish notion with regard to transportation in some respects. For instance, the Senator knows perfectly well that a lower rate is given from the West to the seaboard upon grain that is to be exported than is given to the same commodity to be consumed in the United States.

Mr. SMITH. Yes; I am aware of that.

Mr. CUMMINS. I do not believe at all in any such adjustment. I think that when the railroads are engaged in service of that sort which ends with the ocean line the rate for similar service should be the same.

Mr. SMITH. Since the Senator has mentioned it, I remember we have a lower rate on certain articles for export. It will be remembered that we had quite a controversy about the eastern division and the southern division; but I did not know that the practice was applied to imports as well. It certainly seems to me that, if such a practice is being kept up, as the Senator from Nebraska is showing, we are levying a tariff on certain goods for the benefit of the railroads and not for the benefit of the producers.

Mr. NORRIS. Certainly.

Mr. JONES of Washington. The great benefit comes to the foreign shippers.

Mr. NORRIS. Mr. President, if the railroad makes a profit on carrying a foreign shipment from New York to Chicago, then it ought to take similar freight belonging here and carry it from New York to Chicago at the same price. If it does not make a profit on the foreign shipment, then it ought to increase the rate so that it will. Nobody can expect the railroad to haul goods at a loss or for nothing.

Mr. JONES of Washington. Mr. President——

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

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

Mr. JONES of Washington. If the Senator will permit me, I wish to suggest that the exercise of that power has brought more benefit to foreign ships than it has to the American railroads.

Mr. NORRIS. That is probable. I am not sure but that sometimes the railroads carry the foreign freight at a loss and make the local shipper pay the difference, because by that means in the aggregate they make more money, but if they do transport the foreign shipment at a loss, then the people here have to pay exorbitant freight rates on some other commodity to make up that loss.

Mr. JONES of Washington. That is true.

Mr. NORRIS. And if the railroads are carrying such shipments at a profit, then they ought to be able to haul American products at the same rate and get along all right.

Mr. JONES of Washington. And heretofore we have had exclusive contracts between railroads and foreign shipping lines by which the foreign shipping lines largely got the benefit of that reduced freight rate.

Mr. NORRIS. I remember that the Senator from Washington not very long ago introduced a resolution of investigation, in the discussion of which it was disclosed that at a time

when we were trying to build up a merchant marine some of the trunk-line railroads of the United States had secret contracts with foreign shipping companies by which they turned over to them at the seaports whatever foreign shipments they had. When the railroads were taken over by the Government, as I remember the correspondence that was disclosed at the time the Senator from Washington had the matter up, they were a little afraid that the people would catch on to that, and they knew that that did not look very well to Americans who were patriotic, and they suspended operations until the war was over and until they had gotten back again. I will ask the Senator from Washington if they are doing that now?

Mr. JONES of Washington. Some of these contracts are still in force, but most of the railroads have voluntarily—probably public opinion had a good deal to do with it—canceled those contracts, or they are not in force now. On a couple of the railroads we hope to have them abrogated and canceled by the 1st of July, but they are still in force.

Mr. NORRIS. Are they not illegal, as a matter of fact? What is the Interstate Commerce Commission doing about them?

Mr. CUMMINS. The Interstate Commerce Commission has no jurisdiction over the matter.

Mr. NORRIS. Then we ought to give them jurisdiction. We ought to give somebody jurisdiction, and declare it illegal.

Mr. CUMMINS. It is the old controversy with regard to who shall control a transportation rate that is partly by land and partly by water. None of our tribunals can control foreign ships.

Mr. NORRIS. No; but they can control the freight when it once gets into this country, whether it comes by a foreign ship or not.

Mr. CUMMINS. To be sure, and that is what we ought to do. We ought to consider the coast as the end of the journey.

Mr. JONES of Washington. As I understand, this preference on imports and exports lies within the discretion of the Interstate Commerce Commission as to whether or not it shall be granted.

Mr. CUMMINS. No.

Mr. JONES of Washington. Not by express, positive provision of law, except as the law leaves it in the discretion of the Interstate Commerce Commission.

Mr. CUMMINS. Only under that provision of the law which forbids discrimination.

Mr. JONES of Washington. The Interstate Commerce Commission, as I understand, could stop these rebates on imports and exports if they saw fit to do it. They could refuse to allow the railroads to give a preference on imports and exports.

Mr. NORRIS. If they can, I will say to the Senator, I can not conceive the frame of mind of anybody occupying a position to-day where he has a right to stop it who will permit it to go on. If they have not the right to stop it, then the fault lies here.

Mr. JONES of Washington. There has been a tremendous influence between the shipping lines of this country and foreign steamship lines in the past, and it has been very far-reaching in the country.

Mr. NORRIS. To my mind that kind of a contract is not only unpatriotic, it is disgraceful.

Mr. SIMMONS. Mr. President, I think there can be no question about the Interstate Commerce Commission having jurisdiction over these differentials allowed on imports and exports. I remember that only a year or two ago we had up the question of whether the Interstate Commerce Commission had the right to make a distinction in the export or import rate to one port as against another port. The southern ports were then complaining that they had discriminated against them and not given them the benefit of the lower rates that they had extended to imports and exports to and from New York and other North Atlantic ports, and that evil was corrected.

Mr. NORRIS. Mr. President, when I interrupted the Senator from Iowa when as a matter of fact he had the floor, and the Senator from North Dakota objected, and the Chair sustained him, I had just one question to ask him, and I will ask that now, although I think the Senator has really answered it in some things he has said.

The question that I wanted to ask the Senator, and have been kept from asking for nearly an hour, thus delaying the passage of this bill that much, was this: Does the condition that he describes about the freight rates giving preference to the importer over the American manufacturer still exist?

Mr. CUMMINS. I do not know, Mr. President. I have not examined the question for two or three years—not since the roads passed back into the hands of their owners—and I am not able to answer it. I know that it continued up to the time that the Government took possession on January 1, 1918, and so far as imports are concerned I do not know whether it is in existence now or not; but it is in existence so far as exports are concerned, as the Senator from Washington knows.

Mr. JONES of Washington. Mr. President——

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

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

Mr. JONES of Washington. I have not gotten it from the commission; I have not inquired there; but I have been informed that the preferential on imports has not been put into effect since the war, and that it is not in effect now.

Mr. NORRIS. I am glad to get that information.

Mr. JONES of Washington. I am not positive that that is correct, but that is the information I have.

Mr. NORRIS. Now, Mr. President, having secured the information that I wanted to get when I tried to interrupt the Senator, I will close my remarks. Since the Senator from North Dakota left the Chamber immediately when I took the floor, he can be sent for now and told that I have quit.

Mr. ROBINSON. Mr. President, the pending question relates to the tariff on galvanized iron and certain other manufactures. The Senator from North Carolina [Mr. SIMMONS], who opened the discussion on this subject, has been very anxious to dispose of that paragraph. While he has not taken the floor and expressed himself in violent language, he has been constantly protesting to those about him the delay that has occurred while this subject has been pending, which delay comes entirely from the other side of the Chamber.

From the beginning of the debate on this bill, impatience to a degree approaching violence has been manifested by Senators directly in charge of the bill. They have repeatedly declared that proper procedure in this body requires Senators to confine themselves literally to the discussion of pending questions. So great has been the annoyance of Senators who are charged with responsibility for this bill over the delays that have heretofore occurred in the passage or disposal of items submitted to the Senate that on yesterday a caucus or conference of the majority party of the Senate was held, and at that conference, according to press reports and current information, a resolution bitterly condemning the majority Members of the Senate for absenteeism was adopted and a resolution contemplating cloture was proposed.

The New York Tribune of this date contains a statement relative to the subject of the conference which I believe is accurate. The headlines are:

SENATE TARIFF TRUANTS FACE BIG ROUND-UP—REPUBLICANS IN CONFERENCE DEMAND ABSENTEES RETURN TO CAPITAL AND HELP PASS THE MEASURE—THREATEN TO CALL SERGEANT AT ARMS—PARTY WHIP CHARGES SOME WON'T ATTEND ROLL CALLS OR ANSWER TELEPHONES.

The press story from the Tribune's Washington bureau in part is as follows:

WASHINGTON, May 25.—Troubles of the Senate Republican leaders who are intent upon passing the tariff bill came to a head to-day in a conference of Republican Senators. The conference was called especially for the purpose of considering absenteeism of Republican Members who, as Senator CURTIS, Republican whip, says, have come to a state where they not only do not appear at roll calls but will not even answer the telephone when summoned to the Senate.

The conference adopted a resolution by Senator CURTIS against absenteeism, instructing the chairman, Senator LODGE, to summon absentees back to Washington, and in favor of having the Sergeant at Arms compel attendance of absentees who fail or refuse to report for duty.

Senator KELLOGG also introduced a new cloture rule intended to apply drastic cloture to appropriation and revenue bills. This was discussed but not acted on.

Senator CURTIS, Republican whip, lectured his colleagues sharply about absenteeism. He said that from May 15 to May 20, on an average of 30 Republican Senators were absent at each roll call. On one day 49 were absent at each of two roll calls and 50 at another. He urged the necessity of maintaining a good attendance if the tariff bill is to be passed and other needed legislation enacted. Senator MCCUMBER, in charge of the tariff bill, joined in condemning absenteeism.

Then follows the resolution, which with the permission of the Senate I will have inserted in the RECORD.

In a subsequent portion of the article the Senator from North Dakota is reported as saying:

"Not one word in fifty uttered on the floor had direct relation to the particular tariff items under consideration.". He said, however, the Republicans, not the Democrats, were responsible for the passage of the tariff bill.

"All that we are asking is to stick to our text," said Senator MCCUMBER.

He expressed regret that the rooms leading from the Senate chamber had been made so comfortable as to influence Senators to leave the chamber and stay in those rooms reading the newspapers rather than in the Senate.

Senator UNDERWOOD, Democratic leader, denied there was a filibuster. He said debate could not be limited to the absolute details of an item under consideration and asserted that there was ample opportunity to filibuster if the Democratic Senators desired. He said there were 2,000 amendments to the tariff bill, that a quorum call and a roll call could be forced on each one and calculated that 2,000 hours, or 200 days,

could be consumed in roll calls if the Democrats wanted to do it. He said there was no such purpose and all that the Democrats would insist on was a thorough discussion.

Mr. President, the indictment of majority Senators in the resolution adopted by the conference and by the Republican whip in his statement at the conference yesterday is, when given its natural force and effect, an indictment against the pending bill. It shows that Senators who belong to the majority have so little faith in its provisions that they are not willing to furnish a quorum to make possible its prompt consideration and passage.

The debates which have occurred this morning unquestionably disclose that in the consideration of a bill involving 2,000 or more amendments, all intimately related to one general subject, it is a mental impossibility intelligently to confine the discussion to the immediate, pending question. Notwithstanding the fact that the Senator from North Carolina [Mr. SIMMONS], who, in a sense, has charge of paragraph 309 on this side of the Chamber, has been ready for a vote on this particular item for two hours, the vote has been deferred by a debate on general questions, by discussions of the relation of freight rates to the tariff and other kindred questions, and that debate has come almost entirely from the other side of the Chamber.

If we on this side felt the same irritation and annoyance which characterizes those who advocate the bill, we would be justified in describing the course of the debate this morning as a filibuster. It had no more relation to the question immediately before the Senate than many other discussions which have heretofore occurred at the instance of Members of the minority. But in fairness and in good faith, I must say that the debates which have occurred this morning have been illuminating.

If the Senator from North Dakota [Mr. McCUMBER] was correct in his characterization of the debates heretofore as filibusters, I ask him how he characterizes his own conduct this morning when he spoke at great length in reply to the Senator from Iowa [Mr. CUMMINS] on general topics, rather than on the pending paragraph.

Mr. SIMMONS. I want to call the attention of the Senator to the fact that the debate we had here yesterday, which they complained of as delaying action for about two hours, was precipitated by the Senator from North Dakota.

Mr. ROBINSON. Which means that by some mysterious mental process the Senator from North Dakota and others associated with him in the conduct of the bill before the Senate assume to themselves a right in the advocacy of the legislation which they deny to those who oppose the bill.

This one fact stands out before the country, before every man in Washington representing the press of the Nation in these debates, that the bill as a whole does not command the respect, the confidence, or the good-faith support of the majority Members of the Senate; that they are so indifferent to it that they are unwilling to attend, even when the party whip is lashed above their backs.

The Senator from Idaho [Mr. BORAH] some weeks ago expressed his dissatisfaction with the bill because the committee report is not accompanied by sufficient information. The same attitude on the part of the Senator from Wisconsin [Mr. LA FOLLETTE] may be inferred from his votes.

The debate this morning discloses that great Senators on the other side of the Chamber, Senators like the Senator from Iowa [Mr. CUMMINS] and the Senator from Nebraska [Mr. NORRIS], are in doubt as to the value of the bill; and I have not the slightest doubt that a large number of other Senators would occupy the same attitude if they chose to give attention to the proceedings of the Senate, wherein the iniquities of this bill are being disclosed and made apparent to everyone who has sufficient intelligence to comprehend them.

The attitude of these Senators may be assumed to be fairly definitive and expressive of the position of all those Senators who think so little of the pending bill in its relation to the business and to the people of the country that they are unwilling to stay here and help work out the problems which it involves.

In addition to that, the abandonment of any effort at cloture and the resort to processes of debate upon the other side which have heretofore been characterized as filibustering disclose the fact that if this bill is intelligently discussed by the Senate, and if what it contains is made known to the public, it will not become a law in anything like the form in which the Finance Committee has presented it.

I reveal no secret when I say that Senators prominent in the management of the tariff bill before the Senate now, Senators in the Chamber at present, familiar with tariff history, connected with the passage of many important measures relating to the tariff, at heart in fact know that many of the proposed increases in tariff rates embodied in the report of the Finance Committee are unconscionable, unreasonable, and unjust.

With that condition existing, no one participates from the other side of the Chamber in the debates on the bill except the Senator from North Dakota [Mr. McCUMBER] and the Senator from Utah [Mr. SMOOT]. Other Senators take part only when the items which affect the industries in their own States are involved. The mass of Republican Senators are disgusted, wearied, and unable to find justification for the enormous burdens of taxation which the Finance Committee's report contemplates. They take no part and make no effort to vindicate this outrageous, inexcusable, indefensible effort to impose high tariff rates at a time when there is less justification for tariff walls and artificial barriers to restrict and prevent the expansion of American commerce than at any other period in the history of the country. The Senators on the other side sit idly by and leave to two Senators the explanation of items which they do not understand—the vindication of rates which have received criticism from the most conservative business interests of the country.

This is the first time during the six weeks this bill has been before the Senate that I have done other than address myself to the paragraph immediately under consideration. In no instance heretofore has the necessity presented itself to me to consume the time of the State in discussing other than the pending question; but I affirm that the debates on the whole have been wholesome and enlightening, and they have revealed the fact that the proponents of this measure, the Senate Finance Committee, either know little about it or are unwilling or unable to furnish the Senate and the country accurate and detailed information concerning its most important provisions.

No wonder they talked about cloture. It is not surprising that the majority thought of limiting debate on the bill, its provisions being unjustifiable even from the standpoint of a large number of the majority Senators; it is not surprising that impatience to the point of irritation should be manifested by those charged with the responsibility of carrying out the will of the Republican Party. No wonder there should be talk of cloture, of stifling the voice of the American people in protest against the highest tariff rates, on the whole, ever proposed in the economic history of the country. But with Republican Senators unwilling to attend, out of sympathy with the bill, taking no part in its consideration, secreting themselves, as the Senator from Kansas is quoted as saying, when called by telephone to help make a quorum, it is no wonder that all thought of a cloture should be abandoned and the friends of the bill themselves be driven at once to an apparent effort to delay its consideration.

With the minority seeking a prompt vote on the pending paragraph, the majority Senators are discussing general topics, failing to "stick to their text," as the Senator from North Dakota is reported to have characterized it in yesterday's conference. We are now confronted with a change of attitude. This morning general debate, discussion of freight rates, ocean transportation, rail transportation, and kindred subjects, which naturally and logically are related and inseparably related to the question affecting the justice or the injustice, the reasonableness or the excessiveness of the tariff sought to be imposed, are taking the time of the Senate away from the tariff and away from the paragraph immediately under consideration.

I know it may be said that in making these remarks I myself have departed from the rule which I have heretofore pursued, namely, confining myself to a discussion of the question immediately pending, but in justification I say that the conduct of the chairman of the committee in charge of the bill and others on the other side of the Chamber this morning shows the mental and moral impossibility of confining discussion while considering this bill to a single item with no regard to those provisions related to it.

Mr. President, I ask permission to have inserted in the RECORD the article from which I quoted in part, namely, that article in the New York Tribune of May 26 relating to the majority conference.

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

[From the New York Tribune, Friday, May 26, 1922.]

SENATE TARIFF TRUANTS FACE BIG ROUND-UP—REPUBLICANS IN CONFERENCE DEMAND ABSENTEES RETURN TO CAPITAL AND HELP PASS THE MEASURE—THREATEN TO CALL SERGEANT AT ARMS—PARTY WHIP CHARGES SOME WON'T ATTEND ROLL CALLS OR ANSWER TELEPHONES.

(From the Tribune's Washington Bureau.)

WASHINGTON, May 25.—Troubles of the Senate Republican leaders who are intent upon passing the tariff bill came to a head to-day in a conference of Republican Senators. The conference was called especially for the purpose of considering absenteeism of Republican Mem-

bers who, as Senator CURTIS, Republican whip, says, have come to a state where they not only do not appear at roll calls, but will not even answer the telephone when summoned to the Senate.

The conference adopted a resolution by Senator CURTIS against absenteeism, instructing the chairman, Senator LODGE, to summon absentees back to Washington, and in favor of having the Sergeant at Arms compel attendance of absentees who fail or refuse to report for duty.

NEW CLOTURE RULE DISCUSSED.

Senator KELLOGG also introduced a new cloture rule intended to apply drastic cloture to appropriation and revenue bills. This was discussed, but not acted on.

Senator CURTIS, Republican whip, lectured his colleagues sharply about absenteeism. He said that from May 15 to May 25 an average of 30 Republican Senators were absent at each roll call. On one day 49 were absent at each of two roll calls and 50 at another. He urged the necessity of maintaining a good attendance if the tariff bill is to be passed and other needed legislation enacted. Senator MCCUMBER, in charge of the tariff bill, joined in condemning absenteeism.

The following resolution was submitted by Senator CURTIS and adopted:

"Whereas the Republicans have a membership of 60 in the United States Senate, which gives them a majority of 24 in the Senate; and

"Whereas there is and has been a much larger absenteeism than is justified under existing circumstances, and it is important that all Senators whose health will permit should be present at all sessions of the Senate: Therefore be it

"*Resolved by this conference of Republican Senators*, That it is the sense of this conference that the chairman be, and he is hereby, instructed to notify all Republican Senators who are absent from Washington and those who are in the city but have been missing roll calls of the Senate that it is important that absentees at once return to their duties, and that those who are in the city be requested to remain within call of the Senate during its sessions; be it further

"*Resolved*, That if the absentees fail or refuse to report for duty at once, proper steps be taken to have the Sergeant at Arms of the Senate compel the attendance of such Senators."

After the matter of absenteeism had been thrashed over, Senator KELLOGG, acting for a group of Republicans who recently conferred at the instance of Senator TOWNSEND, introduced the resolution for cloture on appropriation and revenue bills.

SIXTEEN COULD ENFORCE CLOTURE.

The proposed rule provides that any time after a revenue bill or an appropriation bill has been before the Senate five calendar days, 16 Senators may offer a motion to limit debate. This would prevail by vote of a majority. Thereafter no Senator would be entitled to speak more than 1 hour on the bill or more than 10 minutes on any amendment or debatable motion affecting the bill.

The conference did not get far on the discussion of this proposed rule and then adjourned until to-morrow.

After the Senate opened Senator HARRISON stirred up a discussion of absenteeism and of cloture in connection with the tariff bill. He appealed to Republican Senators "to stay in their seats and help pass this bill." He declared if this were done there would be no occasion for cloture.

Senator LENROOT inquired how long it would take to pass the tariff bill at the present rate of procedure.

"If it took a hundred years," said Senator HARRISON, "it would be a good thing, because if ever a bill will increase the burden on the backs of the people it is the iniquitous tariff measure now before the Senate."

Senator HARRISON denied there was a Democratic filibuster and said he did not wonder that the Republicans were seeking cloture "to force this bill through without debate."

Senator CURTIS said there had been more absenteeism on the Democratic side than on the Republican.

Senator MCCUMBER said "not one word in fifty uttered on the floor" had direct relation to the particular tariff items under consideration. He said, however, the Republicans, not the Democrats, were responsible for the passage of the tariff bill.

"All we are asking is to stick to our text," said Senator MCCUMBER.

He expressed regret that the rooms leading from the Senate Chamber had been made so comfortable as to influence Senators to leave the Chamber and stay in those rooms reading the newspapers rather than in the Senate.

Senator UNDERWOOD, Democratic leader, denied there was a filibuster. He said debate could not be limited to the absolute details of an item under consideration and asserted that there was ample opportunity to filibuster if the Democratic Senators desired. He said there were 2,000 amendments to the tariff bill, that a quorum call and a roll call could be forced on each one, and calculated that 2,000 hours, or 200 days, could be consumed in roll calls if the Democrats wanted to do it. He said there was no such purpose and all that the Democrats would insist on was a thorough discussion.

Mr. WALSH of Massachusetts. Mr. President, the indifference of the majority toward the bill as pointed out by the Senator from Arkansas can be explained. The majority are hearing from home. They are receiving letters, and the letters and the resolutions which they are receiving are like those introduced the other day by the Senator from Nebraska [Mr. HITCHCOCK]. They are receiving letters from home tending to prove the Democratic contention here that this bill is going to increase the cost of living, and that this bill is going to continue high prices in this country.

I have before me a letter from one of the leading wholesale and retail clothing merchants in the city of Boston. It is a letter similar to many others which I have received. I did not think it was possible for the Democrats to prove conclusively, before the bill went into operation, what the effect of it was going to be upon prices in this country, but here is a letter from a merchant, not a statistician, not a theorist, not a Treasury expert, but a hard-headed business man, who states what is already happening in regard to the increased price of clothing as the result of the tariff agitation.

The letter is from the Leopold Morse Co., written by Mr. Julius C. Morse, of Boston. Mr. Leopold Morse, who was the founder of this firm, was at one time a Member of Congress. Mr. Morse says:

LEOPOLD MORSE CO.,
Boston, May 25, 1922.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: About six months ago Attorney General Daugherty started an investigation on retail prices throughout the country, and the National Association of Retail Clothiers, numbering about 6,000, of which I happen to be vice president, were very much exercised over the reports that were sent out stating that the retailer was to blame for high prices in existence, and that he should be investigated, as there might be evidence of profiteering.

Financial statements showing the retail business during the year of 1921, of course, went a great way to prove that this was a fallacy, and that the retailers were suffering from a loss of sales and a lower gross and net profit.

Even under these conditions, however, in order to meet the consumers' demand for lower-priced clothing, the retailers have done everything in their power to make prices more attractive, yet the public still demands a further reduction, and as a result the retail clothing business throughout this country is not in a good condition.

I should say offhand that the price of clothing is about 1.65 over pre-war prices, and at this mark the profit is very small and almost at the danger point. Doing a wholesale business as well as a retail business, we find that where retailers sell their clothing at a close mark collections are slow and failures have increased.

However, this is not the point of this letter. Owing to the agitation relative to the high tariff on wool and the embargo caused by the emergency tariff, cloths have risen by leaps and bounds within the last 60 days, and although the mills made very attractive prices when showing their goods the 1st of March, yet to-day we are obliged to pay all the way from 25 cents to 50 cents per yard more on the prices made by the mills when they opened their lines for fall during the month of March.

In consideration of the fact that it takes about 3½ yards of cloth to make a suit of clothes, you can readily see that there is an advance to-day of from $1 to $2 per suit on the cost of the cloth alone, caused by this advance, and I really feel that unless careful attention is paid to the tariff on wool that the retail consumer, instead of being able to get clothing for less than the fall of 1922 over the fall of 1921, will perhaps be obliged to pay the same price, if not more, because the reduction in labor has hardly overcome the advance in the price of cloth.

I am not an advocate for low tariffs and for the importation of foreign cloths and clothing, but feel that the situation as it confronts us to-day is very serious on account of the fact of the steadily rising price on one side and the consumers' demand for lower prices on the other.

With best regards to you, I remain,
Very truly yours,

JULIUS C. MORSE.

Mr. Morse is vice president of the National Association of Retail Clothiers, an organization comprised of 6,000 members.

Now we can understand why there is indifference on the part of the majority toward this bill. For one letter in favor of high tariff rates I have received five from the merchants and manufacturers of my State protesting against the various rates named in the bill.

Hardly a word has been said on the floor of the Senate during the debate upon the other side of the Chamber in regard to the rights of the consumers of the country. While we have been crying out to deflate war prices, while our people have been anxiously waiting to see the prices of the necessities of life come down, they have seen their wages come down—we have seen in the New England mills the wages reduced from 40 to 60 per cent—and now we have presented here a tariff bill which proposes to keep up excessive war prices, and, in some instances, to increase the war prices.

At the very time wages are being cut we are preparing to levy tariff duties that will increase the prices of those commodities our working people must have in order to exist.

Does anyone wonder that there is indifference? The sentiment that is being reflected in letters like the one which I have read must be reaching the Members on the other side of the Chamber, and they must be beginning to realize that the consuming public of the country are no longer interested in high tariff duties for a few industries when it means extortion from the consumers, when it means that though the laboring man may appear to receive a good wage, it is going to cost him twice as much to live as when he had a low wage. Our laboring people are possessed of intelligence, and they can not longer be fooled by a system that makes their cost of living disproportionate to their wage.

Mr. President, let us hear more about the consumer. Let us hear more about how these rates will be reflected in prices after the bill is passed and to what extent the burdens of this tariff bill are to be passed over to the consumer.

The principal trouble with the bill is that when the committee began to draft the chemical schedules and the schedules upon other raw materials they made a rate about 3 feet high instead of about 1 foot high, and they have builded up compensatory rate after rate, until a price level will be reached on the finished product that will require the consumers who buy the finished

manufactured product to pay even higher prices than during the war period.

Mr. President, I hope before we finish the debate we shall give some consideration to letters of the character which I have just read, which show that already the prices are beginning to increase and already the effect of the rates named in the bill is being reflected by demands upon the consuming public for increased prices for clothing. But the same story will be repeated when we come to the other schedules in this bill, particularly food and other necessaries of life.

Mr. UNDERWOOD. Mr. President, this morning we had quite an illuminating debate between two veteran Senators on the Republican side of the Chamber representing great agricultural States. From the general principles which they defined one would believe that the guiding star which would shape their course in the building of tariff legislation would be reasonable competition at the customhouse.

The distinguished Senator from North Dakota [Mr. McCUMBER], in charge of the bill, has repeatedly said in the course of the debate, and he repeated the statement this morning that he did not believe in the enactment of tariff rates that would cut off competition at the customhouse, but that he believed that a reasonable amount of imports should be allowed to come into the country, from which the Government could derive revenue. Mr. President, that was not a free-trade speech, but approached very closely to a speech that might be made by one who favored a tariff which was levied primarily for revenue. The Senator from Iowa [Mr. CUMMINS] this morning repeated, to a large extent, the same assertion, that he was not in favor of a prohibitive tariff, that he wanted some competition at the customhouse, and that, although he desired to follow the committee, he expected to exercise his own individual judgment. However, although the Senator from Iowa stated to the Senate that he was better informed on the iron and steel schedule than on any other schedule of the bill, he refused to say that he would vote against the rates in that schedule now presented by the committee to the Senate.

Mr. President, when I sat in my seat this morning and listened to the discussion, I drifted back in memory to more than a dozen years ago, when I saw the able Senator from Iowa stand side by side with the late lamented Senator Dolliver from Iowa and denounce the prohibitory duties in the Payne-Aldrich bill and back up his denunciation with his vote; and I could but question in my own mind as to where the senior Senator from Iowa of 12 years ago had disappeared when he is willing to-day to advocate the principle but bow in humble submission to the prohibitive rates in this bill, and especially in the iron and steel schedule, which he announced to the Senate he knew more about than he did about anything else in the bill.

Mr. President, I do not believe that the agricultural masses of the people are going to stand for a tariff bill which proposes to put prohibitive taxes on the raw materials from which their plows, their trace chains, their agricultural implements, in fact, practically all of iron and steel products which they use are made and to mulct them in heavy taxes for the benefit of somebody else. I do not believe that anybody is going to be able to fool the farmer of the Middle West about this tariff bill.

Ten years ago when the present law was written I realized then, as I realize now, that as to the heavy commodities in the iron and steel schedule the great American industry was full grown and could fight in the markets of the world its own battles. We are the master iron makers of the world, and I may say of all time.

In framing the act of 1913 I put some of the articles embraced in these paragraphs on the free list. There was but one reason why the remainder of them did not follow, and that was that I realized the tariff house had been built on stilts and that it had been on stilts for so many years if I had brought it down by cutting the timber from underneath with an ax and letting it drop I might shock the business sentiment of the American people and force a reaction on what I intended to do. Therefore I attempted to reduce these rates by lowering the tariff with a jackscrew, hoping that time would justify the course I had taken and that at a later date the entire list of heavy iron and steel commodities and other similar articles covered by the the bill might be put on the free list, when the people of America might understand that this country could get along without tariffs on everything, and that the American consumer could not be mulcted behind a tariff wall.

Now we have come to these paragraphs. Under the peculiar parliamentary conditions under which the bill is being now considered, when according to the unanimous-consent agreement only committee amendments may be considered, it is practically impossible to move an amendment that will cover the subject correctly, but that will be done in the end. However, I want to put the acid test right now to those Senators who occupy the position announced on the floor of the Senate this morning by the distinguished chairman of the Finance Committee [Mr. McCUMBER] and also by the Senator from Iowa [Mr. CUMMINS] that they believe in writing a tariff bill that is competitive at the customhouse. The Senator from Iowa said he regretted that I had abandoned that position. I have not abandoned it. A revenue tariff bill must be competitive. A tariff for revenue bill must imply reasonable competition at the customhouse, because if there is not reasonable competition in goods coming through there can not be reasonable revenue raised. I do not mean by competition at the customhouse that one tin can should be allowed to come through the customhouse when 100,000,000 tin cans are manufactured behind the tariff wall. I contend that no competition is reasonable as a basis for taxation unless at least 3 per cent, 5 per cent, or 10 per cent of foreign imports are allowed to come into the country. Any industry that can not stand 3 per cent of competition from abroad, or pretends it can not stand 3 per cent or 5 per cent of competition from abroad, in order that the Government may receive revenue and that there may be some imports coming in to adjust prices is an industry which is demanding monopoly for itself. There is no escape from that conclusion.

I will not take the time of the Senate to go through all of these items. I discussed pig iron last night with the distinguished chairman of the committee, and at that time he admitted that there was practically no pig iron coming into the country, and none would come in. He admitted also that we were the masters of the world in the production of pig iron. The same thing is true of all the heavier grades of steel and iron products.

However, I wish to call the attention of the Senate and the country to one paragraph embracing certain heavy iron and steel products. The Finance Committee have recommended that the rates on the products referred to be largely increased over those in the present law, and I want to know how the rates in this paragraph square with the declarations of the chairman of the committee in favor of reasonable competition at the customhouse and reasonable imports.

Take the paragraph that relates to iron and steel sheet plates. They constitute one of the important items of so-called raw material in the iron and steel schedule. They constitute the base material out of which plows are made, the base material out of which wagons are manufactured, the base material out of which ships are constructed, the base material out of which are built the freight cars for carrying the commodities of the country to market, the base material for almost everything found in the blacksmith shop, and the base material even for the iron roofs of our houses. On these commodities the schedule is built.

We find that the committee has largely increased the rates on iron and steel plates, and yet in 1920 under the lower rates of the present law—and the same thing is relatively true of other years, but I take 1920 for convenience—the production of plates and sheets covered by the paragraph to which I am now referring amounted to 9,337,680 gross tons. Please bear in mind the fact that 9,337,680 gross tons was what the mills of America produced and it was consumed either here or abroad. Now, what did the imports amount to for that year—the year 1920? They are given in pounds. I presume the man who prepared these figures was ashamed to give them in tons and so he gave them in pounds. He gives the imports in pounds for 1920 as 58,620, which reduced to gross tons is less than 29 gross tons. Think of it! Twenty-nine gross tons of imports as compared to over 9,000,000 tons of production! And in the same year we exported to foreign markets 2,062,947,743 pounds of sheets and plates, which, reduced to tons, is something like 1,000,000 gross tons. We produced over 9,000,000 gross tons of sheets and plates. We exported and sold in the open markets of the world over 1,000,000 gross tons of sheets and plates, and the imports amounted to 29 tons—29 tons—and on the basis of that, when the paragraph itself was pending before the Senate, the chairman of this committee announced that he was in favor, not of levying a prohibitive tariff at the customhouse, but of levying rates that would allow some importation to come through. Twenty-nine tons, under those circumstances, is not much—some importation!

Mr. FLETCHER. Mr. President, if I may interrupt the Senator, what is the rate under the Underwood law under which 29 tons came in?

Mr. UNDERWOOD. The rate at that time was 12 per cent ad valorem.

Mr. FLETCHER. And what is the proposed rate?

Mr. UNDERWOOD. They increase it by making it a specific rate from a cent a pound up to 20 per cent ad valorem.

Mr. FLETCHER. A cent a pound would be equivalent to how much?

Mr. UNDERWOOD. It is a higher rate than the 12 per cent ad valorem, and then they go up to 20 per cent ad valorem, in the open face of the declaration that the Senator stands for a tariff that will admit importations at the customhouse; and the distinguished Senator from Iowa [Mr. CUMMINS], who knows this schedule better than any other in the bill, is not in favor of a prohibitive tariff, and yet would not announce that he would vote against that paragraph, and did not. It has already been agreed to by the Senate.

Mr. President, the truth about the matter is this: I have had to fight this question out a good many times. For many years I represented an iron and steel constituency. I am in the business myself. As I said before, I would not willingly harm a people that I represented; but neither would I willingly betray a people that I represented by taxing them unjustly for special interests. I know this schedule and I know that that rate is a shame and a fraud on the American people. I know that it is not in the interest of this great industry in the end. It is very much better for this great industry to take the shackles of a tariff off its limbs. It is able to compete in the world by free competition. Let it sell to the mills at home, to the blacksmith, the carriage maker, the roof maker, at reasonable profits and develop a home market for its own products, and stand a giant in the world rather than being wet-nursed in a baby's crib when it is a full-grown industry.

Why, Mr. President, this idle talk about the labor involved in this schedule is as ancient as the grave. Thirty, forty, fifty years ago, when men stood with their brawny arms and handled the slabs and the billets as they went through the rolls, reducing them to plates or bars, the question of labor might be involved; but that argument will not appeal to a man to-day who goes to a modern mill and sees the whole machinery worked by steam or electricity—and the modern mill is worked by electricity—with one man sitting in the roof with his levers in his hands and sees the great ingots that roll out and go into one roll after another, untouched by human hands, entirely handled by machinery controlled by a man sitting in a lofty roof, until they come out in the form of plates for shipbuilding or steel rails to carry your freight on. Labor has become infinitesimal in this problem. The question really involved is that of the cost of the plant, the capital cost, the interest you must pay on capital for this production; and it is absurd to tell me now that in America, with all the gold in the world, with all the securities in the world, with the world begging on bended knees at our doors for the loan of money, we have to protect American manufacturers because they can not secure as cheap capital in America as they can secure abroad.

Take the very paragraph that I am talking about. The report of the Tariff Commission, which I hold in my hand, shows that in addition to the exports of iron and steel plates that I read awhile ago there were 72,000,000 pounds exported to Japan, Canada, and the United Kingdom—to the United Kingdom! We have been carrying coal to Newcastle, sheets and plates to Great Britain, to compete with the British mills; and then the Committee on Finance thinks it must raise an ad valorem rate from 12 per cent ad valorem to 20 per cent ad valorem! I suppose that is for the sake of raising revenue on 29 tons imported.

No, Mr. President; nobody is going to be fooled about this proposition. I do not reflect on my colleagues or intend to reflect on them when I say that I have not a fair jury to which to argue this case. It is not that your minds can not be convinced on this proposition, and not that your minds are not convinced on it; but I know how a tariff bill is written. Some of your constituents expect that you will get rates on certain products for them. Some of those rates may be justified and some may not; but in order that you can get what you want you have gotten aboard the tariff ship and are going to ride through with it, regardless of cost. If this were the only paragraph presented to the Senate at this hour I would have no more doubt that 90 per cent of the Senate would reject the paragraph than that I am speaking here; but it is in the bill and it must ride through.

They talk about German competition. As I pointed out last night, the raw material of Germany is destroyed. This is not a question of labor, because in the case of these great, heavy iron and steel products it is machinery that does the work now. The labor cost is infinitesimal; and Germany, without raw material in iron and coal, is out of the world's market as a competitor of America. So, Mr. President, I am only referring to one of these paragraphs. There are 10 or 15 of them where the same argument that I have made for sheets and plates can apply with equal force.

It is idle, however, for me to talk. I realize that in the Senate I am going up against a jury that has made up its mind. The verdict has been written; but I am taking your time because there is a court to which I can appeal. This injustice will not remain on the statute books of America unless you modify your position so that you do not construe a protective tariff to mean a prohibitive tariff, written in the interest of monopoly.

Mr. McCUMBER. Mr. President, I apologize to the Senator from Arkansas for having deviated from my usual course and what I have been preaching for some time by taking three minutes to answer the Senator from Iowa. I admit that I got off the track of holding close every minute to the particular subject.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. McCUMBER. Certainly.

Mr. ROBINSON. The Senator, like a good many other Senators when they address the Senate, evidently was unconscious of the passing of time. Instead of taking 3 minutes he actually took 30 minutes or more. I find no fault with the Senator's doing that, because, as I said during the course of my remarks, his discussion was illuminating but not convincing.

Mr. McCUMBER. I will increase it to 5 minutes if the Senator wants me to, but not to 30 minutes.

Mr. President, I realize that I ought to be a shining example of brevity in what I may say, but also a shining example of never crossing a bridge until you come to it. The Senator from Alabama has taken considerable of the time this morning in discussing the same subject that he discussed yesterday, and making many of the assertions that he made yesterday, with the usual force with which the Senator makes those assertions; but I am going to invite the Senator now to go right back to the real subject under discussion. We have offered an amendment to the House bill, on the bottom of page 55, line 25, to strike out the figures "28" and to insert in lieu thereof the figures "30," a difference of 2 cents.

This covers "sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding," and, as we would have it, it would be 30 per cent ad valorem. As the House wrote it, it was 28 per cent ad valorem.

Mr. UNDERWOOD. Will the Senator let me ask him if the present law, which he is now proposing to change, does not make the rate 15 per cent?

Mr. McCUMBER. I was just going to state that. That is exactly what it does. The Senator's whole argument seemed to indicate that where the importations were small there should be no duty whatever levied. One would draw that from the arguments he makes day after day, that we do not need the protection, and why, then, raise this duty? I am going to answer that part of the Senator's argument.

Mr. UNDERWOOD. I hope the Senator will.

Mr. McCUMBER. I shall do so.

Mr. UNDERWOOD. But I hope the Senator will bear in mind, at the time he is answering it, that the present rate was written at the other end of the Capitol by a committee of which I was chairman, and my committee put a rate of 15 per cent ad valorem on this article, which was agreed to by the Senate, which does not indicate that I thought it all ought to be cut off. I am free to say now that I think the rate was too high, but knowing that there are practically no importations even with the present low rate I am challenging the Senator to know why you are doubling the rate. That is the real issue.

Mr. McCUMBER. First, the importations are about the same; they are very small, anyway. I could ask the Senator why he put a rate of 15 per cent ad valorem on this article. We did not make any in the United States. Every pound of it was imported. It was not in competition with anything in this country. It is not in competition to-day with anything we produce. Why did the Senator from Alabama put 15 per cent ad valorem duty upon an article which we do not produce at all in the United States?

Mr. UNDERWOOD rose.

Mr. McCUMBER. I know what the Senator's answer will be—that it was for revenue purposes.

Mr. UNDERWOOD. Of course, Mr. President, this particular item is not the one I was discussing a moment ago; but we reduced the rate on this particular item, if I remember correctly, from that of the Payne-Aldrich law by more than a half. This is a basic material out of which many important things are made which the American people must consume. Why should I not have reduced the rate on the basic material and allow the other manufactories the benefit of a lower rate? I said a

while ago that I thought most of these heavy materials of iron and steel should be put on the free list for the benefit of the small industries, but I believe in approaching it gradually and not with an ax.

Mr. McCUMBER. But I am speaking of this particular item. The Senator put upon this particular item a duty of 15 per cent ad valorem in his bill. He put it upon that article for revenue. He wanted a 15 per cent duty upon that item for revenue only, at a time when we were operating the Government at a cost of less than a billion dollars a year. We double that duty at a time when the annual expenses of the Government are more than four and a half billion dollars a year. We have to get revenue. You can not appropriate four and a half billion dollars in the year 1922 unless you provide some means to get the money to pay it, and you have to increase many of the revenue rates in order to secure the necessary revenue.

What are these articles? They are articles which are used, as I stated before, to make the molds in which chocolates and chocolate candies are made. They are all imported. When you get one of those it lasts a lifetime. It is used for that purpose, and only in a very limited degree. It is not manufactured in the United States. I think the chocolate maker and the candy maker are probably getting a sufficient profit to enable them to pay the 15 per cent ad valorem duty once in a lifetime upon this little article.

That is all there is to that item. I will discuss the other items in the schedule when we reach them, but I do not want to waste the time to do it now. The question is, Should this rate be 30 per cent ad valorem or 15 per cent, or somewhere between the two? I am asking the Senate to support the committee upon the ground that there will be just as much imported whether it is 15 per cent ad valorem or 30 per cent or 40 per cent or 50 per cent, because we do not produce it in the United States, and it is not going to add a penny to the cost of chocolate or of some chocolate candies.

Mr. UNDERWOOD. Mr. President, I congratulate my friend from North Dakota on being a very artful dodger. With all due respect to him, and in a kindly spirit, I attempted to indict his position on these heavy materials of iron and steel.

Mr. McCUMBER. If the Senator will allow me, I told him that I would answer him when we come to those, but I am not going to take the time now.

Mr. UNDERWOOD. I am going to let the RECORD show where we stand. Of course we can not now offer amendments as to the heavier articles under the rule adopted by the Senate. Although we had a paragraph pending before us, and have now, which relates to a great many heavy articles, there is one section of that paragraph which relates to some materials of which very little, if any, is made in the United States. This paragraph as a whole is before the Senate, because you can not consider the bill just on the items which do not affect the people, you have to consider it on its entire contents, and I will read the paragraph.

Mr. McCUMBER. Will the Senator allow me to ask him a question in all good faith?

Mr. UNDERWOOD. Certainly.

Mr. McCUMBER. As I understand the Senator, he intends to offer an amendment to that paragraph at the time when individual amendments can be received.

Mr. UNDERWOOD. I will, if the Senator in charge of the bill on this side does not. I presume he will, and I will vote for his amendment.

Mr. McCUMBER. I was going to say that when the Senator offers that amendment he will then explain it, and at that time he will make the same argument he would make now, and I would probably make substantially the same answer I would make now if I were going to make it now, and thus we would have made it twice. I think that excuses me for not attempting to go into it at this time.

Mr. UNDERWOOD. The Senator, of course, can elect how he will argue. I am going to show that he said he would answer the question by applying his debate to the pending item. I want the RECORD to show that he does not answer the indictment I bring against his committee in reference to this iron and steel schedule.

Paragraph 309, now under consideration, reads:

All iron or steel sheets, plates, bars, and rods, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terneplates, and taggers tin, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated.

That is an increase in rate over the present law, which provides a tax of 15 per cent ad valorem, increasing the general schedule, just as in the case of the schedule I referred to a half an hour ago. The same thing applies to this schedule. We make those products in this country. We make them in vast quantities. In 1920 we manufactured 4,582,547 gross tons and we imported 217,621 pounds, or about 109 tons, as compared to 4,500,000 tons.

We exported in 1920 of iron plates and sheets 72,000,000 pounds and of steel sheets 379,000,000 pounds. So that the proposition on the general paragraph is just as it was on the paragraph I referred to about plates and sheets. The rate is practically prohibitive now. Instead of being raised, it should be reduced; but the Senator, in reporting this bill, has raised the rate in this paragraph. That is done because in the latter part of the paragraph there is a provision that "sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, 30 per cent ad valorem." Because practically none of that is made here he would leave the impression that the entire paragraph was no tax on the American people.

That is no answer to the indictment I bring against the Finance Committee; and what I say is with entire respect to Senators on the other side. I do say that in the tribunal of public opinion the Finance Committee must stand indicted before the conscience of the American people when they attempt to largely increase the rates on the great, heavy products of the iron and steel schedule, when the present rates of duty are practically prohibitive, when there is no labor cost involved, and the American producer has a monopoly of the American market to-day.

I say that is a political indictment. I feel that I am entirely justified in making that statement, and although the Senator may not feel that this is the time for him to answer the indictment I bring as to the rates on these heavy products, he does not pass away from it by referring to the simple item that is to be voted on in a moment. What I am charging is that you have a dozen paragraphs here covering heavy iron and steel commodities in which you are not justified in any way in raising the rates, and I intend to continue the pronouncement of this indictment until the American people understand what you are doing, or you justify your position far better than you have done up to this time.

Mr. McCUMBER. I wish the Senator would quit trying me on his indictment until the case is called on the calendar, when I will have an opportunity to answer.

Mr. UNDERWOOD. The Senator can answer in his own time.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on page 55, line 25, to strike out "28" and insert "30" before the words "per cent."

Mr. UNDERWOOD. I ask for the yeas and nays.

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

Mr. MOSES (when Mr. KEYES's name was called). I am authorized by my colleague [Mr. KEYES], who is absent because of illness, to state that if present he would vote "yea" on this amendment.

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from Pennsylvania [Mr. PEPPER], I vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. HALE. I transfer my pair from the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. DILLINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I observe that he has not voted. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD] and vote "yea."

Mr. COLT. I transfer my general pair with the junior Senator from Florida [Mr. TRAMMELL] to the senior Senator from Pennsylvania [Mr. CROW] and vote "yea."

Mr. McCUMBER (after having voted in the affirmative). I transfer my general pair with the junior Senator from Utah [Mr. KING] to the junior Senator from Maryland [Mr. WELLER] and allow my vote to stand. I ask that this announcement of the transfer of my pair may stand for the day.

Mr. CURTIS. I wish to announce the following pairs:

The junior Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The senior Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 45, nays 21, as follows:

YEAS—45.

Ball	France	McKinley	Ransdell
Brandegee	Gooding	McLean	Rawson
Broussard	Hale	McNary	Shortridge
Bursum	Johnson	Moses	Smoot
Calder	Jones, Wash.	Nelson	Spencer
Capper	Kellogg	New	Sterling
Colt	Kendrick	Newberry	Townsend
Cummins	Ladd	Norbeck	Wadsworth
Curtis	Lenroot	Oddie	Warren
Dillingham	Lodge	Page	
Elkins	McCormick	Phipps	
Ernst	McCumber	Poindexter	

NAYS—21.

Ashurst	Harrison	Robinson	Underwood
Borah	Heflin	Sheppard	Walsh, Mass.
Caraway	La Follette	Simmons	Watson, Ga.
Dial	Norris	Smith	
Fletcher	Overman	Stanley	
Harris	Pittman	Swanson	

NOT VOTING—30.

Cameron	Glass	Nicholson	Trammell
Crow	Harreld	Owen	Walsh, Mont.
Culberson	Hitchcock	Pepper	Watson, Ind.
du Pont	Jones, N. Mex.	Pomerene	Weller
Edge	Keyes	Reed	Williams
Fernald	King	Shields	Willis
Frelinghuysen	McKellar	Stanfield	
Gerry	Myers	Sutherland	

So the committee amendment was agreed to.

The next amendment of the committee was, on page 55, line 25, to insert "thermostatic metal in sheets, plates, or other forms, 50 per cent ad valorem."

Mr. McCUMBER. Mr. President, on account of the absence of the senior Senator from New Jersey [Mr. FRELINGHUYSEN] I ask that the amendment just stated may be passed over.

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

The ASSISTANT SECRETARY. The next amendment of the Committee on Finance is, on page 56, line 16, to strike out "tinplates" and insert "tin plates."

Mr. SIMMONS. There is no objection to that amendment.

The amendment was agreed to.

The ASSISTANT SECRETARY. The same amendment occurs in paragraph 311, lines 19, 21, and 24, striking out "tinplate" and inserting "tin plate."

The VICE PRESIDENT. Without objection, these amendments will be agreed to.

The next amendment was, on page 56, in line 16, after the words "taggers tin," to strike out "1.1 cents" and to insert "1 cent," so as to make that paragraph read:

PAR. 310. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terneplates, and taggers tin, 1 cent per pound.

Mr. SIMMONS. Mr. President, I have no objection to a reduction from the House rate of 1.1 cents per pound to 1 cent per pound. I am willing to vote upon that amendment without offering any amendment, with the statement that later, when the committee amendments shall have been concluded, I shall probably offer an amendment to the paragraph.

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

The amendment was agreed to.

The next amendment was, on page 56, in line 20, before the word "sheet," to strike out "the," so as to make the paragraph read:

PAR. 311. No article not specially provided for which is wholly or partly manufactured from tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel, or of which such tin plate, terneplate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terneplate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

The amendment was agreed to.

ATTORNEY GENERAL DAUGHERTY—THE MORSE CASE.

Mr. LENROOT. Mr. President, this morning I was given possession of a copy of a letter written by Attorney General Daugherty to the senior Senator from Indiana [Mr. WATSON] relative to his connection with the Morse case. A little while ago I received a telegram from the Senator from Indiana, who is absent in Indiana, stating that it would be agreeable to him to have the letter placed in the RECORD. I therefore send the letter to the desk and ask unanimous consent to have it read.

The VICE PRESIDENT. Without objection, the letter will be read.

The Assistant Secretary read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 22, 1922.

Hon. JAMES E. WATSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: To-day for the first time I have had an opportunity to read the CONGRESSIONAL RECORD of May 12, page 6175, relative to the colloquy in the Senate regarding my connection with the Morse case. I have read newspaper comment on this discussion, but it was of a general character, and I thought it required no particular attention on my part.

I remember very well a general discussion we had some time ago regarding the Morse case. I certainly did not in that discussion make the statement to you that I had no connection with the Morse cases, civil and criminal. My connection with these cases was well known throughout the country, because of extended publicity some years ago. I never denied it, and I have no disposition to deny it now. Nothing was done by me or anybody else in connection with these cases that could not be known to the whole world without reflection upon anyone.

Morse was released upon the recommendation of Attorney General Wickersham, who based his recommendation upon the reports of eminent physicians of the Government, including the Surgeon General of the Army, and the records in the department show all the facts pertaining to the physical condition of Morse when he was released, which was the sole ground for Executive clemency.

As for compensation, I never received anything from Mr. Morse personally. All I ever received from anybody in connection with the Morse cases, both civil and criminal, was about $4,000 advanced to me by Mr. Felder, and was about half enough to pay my necessary expenses and disbursements connected with over a year's active investigation, preparation, and service in the cases.

I regret, Senator, if you misunderstood me.

Sincerely yours,

H. M. DAUGHERTY,
Attorney General.

Mr. CARAWAY. Mr. President, I have before me a copy of the RECORD of May 12. I wish to read from it the statement then made by the Senator from Indiana [Mr. WATSON]. It is not a question of misunderstanding, because there can be none. Either the Senator from Indiana told the exact truth and reported just exactly what Daugherty said—that is, that he, Daugherty, had nothing to do with the Morse case—or he knowingly misrepresented the Attorney General. There can be no question of misunderstanding. There is also another Republican Senator—whom I do not see here now—who told the Senator from Georgia [Mr. WATSON] and myself that the Attorney General made exactly the same statement to him as the one reported detailed by the Senator from Indiana [Mr. WATSON].

May I ask the Secretary to give me the number of the volume and the page of the RECORD as mentioned by the Attorney General.

The VICE PRESIDENT. The number of the page of the RECORD as given in the letter is 6175, of date May 12.

Mr. CARAWAY. That is a mistake, Mr. President. That page does not appear in the RECORD of May 12 at all. I will find the right RECORD in a moment. I am going to be charitable and presume that the Attorney General never read the RECORD, since he can not even give the day of the month and the page of the RECORD where the colloquy occurred. He still evidently has not had the opportunity to read it as he suggested that he had not had until just now.

Mr. President, the colloquy to which I refer occurred on May 2 and not on May 12, but I think that whenever the Attorney General is within 10 days of being correct he is very accurate for him, and no question will be raised about that. However, this is what occurred:

Mr. WATSON of Indiana. Mr. President, will the Senator permit an interruption?

Mr. CARAWAY. I have the floor and will permit an interruption, although I do not intend to lose the floor.

Mr. STANLEY. If the Senator from Indiana will permit me, I shall be through in about a minute.

Mr. WATSON of Indiana. Certainly.

Now, I shall skip what the Senator from Kentucky [Mr. STANLEY] said. Then, on page 6175, the following colloquy occurred:

Mr. WATSON of Indiana. Mr. President, will the Senator pardon an interruption?

Mr. CARAWAY. I will.

Mr. WATSON of Indiana. We did not hear over on this side what it was that the Senator said about the Attorney General. Will he kindly repeat it?

Mr. CARAWAY. I know the Senator did not hear it, because all the Senators over there got busy in order not to hear what was being said. I said that I understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee of $25,000 for doing it.

Mr. WATSON of Indiana. Does the Senator mean since he became Attorney General?

Mr. CARAWAY. Oh, no.

Mr. WATSON of Indiana. May I further question the Senator?

Mr. CARAWAY. Yes, sir.

Mr. WATSON of Indiana. To what case does the Senator refer?

Mr. CARAWAY. The Morse case.

Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?

Mr. CARAWAY. I charged that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.

Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?

Mr. CARAWAY. Does the Senator from Indiana say that it is not true?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. On the Senator's own personal knowledge?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. That Mr. Daugherty did not represent Morse?

Mr. WATSON of Indiana. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

Mr. CARAWAY. Did he indirectly represent him?

Mr. WATSON of Indiana. No.

Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?

Mr. WATSON of Indiana. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

Mr. CARAWAY. How does the Senator know that?

Mr. WATSON of Indiana. I know it from the language of the Attorney General.

Mr. CARAWAY. Did he tell the Senator that he did not?

Mr. WATSON of Indiana. He did.

Mr. CARAWAY. That he never got a cent for it?

Mr. WATSON of Indiana. Not for that.

Mr. CARAWAY. For what did he get his fee, then?

Mr. WATSON of Indiana. He did not get any fee from Morse.

Mr. CARAWAY. Why does the Senator say "Not for that"? Why does the Senator juggle with language? Why does he not say that he did or did not get a cent?

Mr. WATSON of Indiana. That is the thing that the Senator is charging here. I say that for that he did not get a fee.

Mr. CARAWAY. For what did he get his fee?

Mr. WATSON of Indiana. I do not know whether he ever got a fee from Morse for another purpose or not.

Mr. CARAWAY. I did not think the Senator knew.

Mr. WATSON of Indiana. But I do know that what the Senator says here is not true.

Mr. CARAWAY. What is that?

Mr. WATSON of Indiana. Of course, I am not charging——

Mr. CARAWAY. What is it that the Senator says he knows is not true?

Mr. WATSON of Indiana. I am not charging that the Senator said anything he knew not to be true, of course.

Mr. CARAWAY. Oh, well, then, let the Senator be a little bit plain about his language.

Mr. WATSON of Indiana. I am charging that Mr. Daugherty did not get a fee from Mr. Morse for getting him out of the penitentiary or helping to get him out of the penitentiary.

Mr. CARAWAY. For what did he get his fee?

Mr. WATSON of Indiana. I do not know whether he ever got a fee or not.

Mr. CARAWAY. Oh, well, if the Senator does not know, how does he know that he did not get it for that?

Mr. WATSON of Indiana. I do not know whether he ever got a fee from Morse for some other purpose or not.

Mr. CARAWAY. If that is all the information the Senator has——

Mr. WATSON of Indiana. No; I have information on this matter that the Senator is talking about, and that is what he is charging.

Mr. CARAWAY. I ask the Senator, then, what he did get his fee for?

Mr. WATSON of Indiana. So far as I know, he never got any fee.

Mr. CARAWAY. Does the Senator know that he did not get any?

Mr. WATSON of Indiana. I know that he did not get any fee from Morse for getting him out of the penitentiary or helping to get him out.

Mr. CARAWAY. Did he get any fee at all from Morse?

Mr. WATSON of Indiana. He may have gotten one 10 years ago. I do not know anything about that. Whether he was ever Morse's attorney or not is a different proposition. As to that I do not know, but I know that in this instance he got nothing.

Mr. CARAWAY. When did the Senator discuss this matter with the Attorney General?

Mr. WATSON of Indiana. On various occasions.

Now, just to show that there can be no kind of misunderstanding between the Attorney General and the Senator from Indiana:

Mr. CARAWAY. How came the Senator to discuss it with the Attorney General?

Mr. WATSON of Indiana. Because I had heard the rumor.

Mr. CARAWAY. Did the Senator believe it?

Mr. WATSON of Indiana. The rumor?

Mr. CARAWAY. Yes.

Mr. WATSON of Indiana. I did not.

Mr. CARAWAY. Then why did the Senator go to the Attorney General with it if he did not believe it?

Mr. WATSON of Indiana. Because I am the kind of a man that if any one of my friends is involved in any trouble I go and talk to my friend about it.

Mr. CARAWAY. And the Attorney General told the Senator it was not true?

Mr. WATSON of Indiana. It was not true.

Mr. CARAWAY. Did the Senator then ask him what he did get the fee for?

Mr. WATSON of Indiana. I never asked him about any fee, of course, because he said he did not get any.

Mr. CARAWAY. Let me ask the Senator whether this was the truth, then—that he tried to get that fee, and it was so large that the prisoner would not pay it?

Mr. WATSON of Indiana. Oh, no; nothing of that kind, of course.

Mr. CARAWAY. All right.

That is a colloquy which does not admit of any explanation. It is either true or it is not true. It has been in the RECORD from the 2d of May until now; it has been a matter of controversy. The Attorney General has said nothing until the contract was produced in which it was shown that he did represent Morse; and he said nothing then until the letter of Felder was produced in which it is shown that he did get a fee of $6,000. None of those things is susceptible of explanation by merely saying somebody misunderstood him. I know that unless the Senator from Indiana was intentionally misrepresenting the Attorney General—and I do not believe he would misrepresent him—the Attorney General told him what he has stated; and there is another Senator sitting on the floor who told the Senator from Georgia [Mr. WATSON] and myself that the Attorney General told him that at a dinner. He said to him, "How is it that you got Morse out of the penitentiary and are now trying to get him back?" And the Attorney General replied, "I had nothing to do with that." That is a question for the Attorney General and his friends. If they are willing to bear the imputation that they willfully and deliberately misrepresented him in order to relieve him of a lack of veracity, I shall certainly let them do it.

Mr. CARAWAY subsequently said:

I ask permission to insert in the RECORD some editorials which appeared yesterday and the day before in various newspapers demanding that the Attorney General clear this question of veracity or resign, and he thus attempts to clear it up by asking his friend to admit he misrepresented him. The country will not accept such a statement.

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

[From the New York Times, Thursday, May 25, 1922.]

ATTORNEY GENERAL DAUGHERTY.

Mr. Daugherty is a busy man. Doubtless investigation and preparation of the war-fraud cases and the regular duties of his office leave him scant time to read the newspapers or even numbers of the CONGRESSIONAL RECORD that contain matter calculated to interest him. Apparently he has just read the RECORD of May 5, for he has reprinted in his statement letters written by Mr. Taft and Mr. Wickersham in 1915. He says nothing of the curious correspondence which Senator CARAWAY has inserted in the RECORD of May 22 and published by the press generally. Perhaps there was no need that he should take that up. The real essential charge against him appears in the RECORD of May 2. On that day in the Senate Mr. CARAWAY charged that it "was a matter of public information" that Mr. Daugherty, before he was Attorney General, got a fee for helping to get Mr. Morse out of the penitentiary. Mr. CARAWAY "understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee for doing it."

We needn't bother about Mr. CARAWAY'S sneer or Mr. STANLEY'S imputation of "unprofessional conduct." As a private citizen practicing law, Mr. Daugherty had a perfect right to try to get Mr. Morse or any other convict released and to charge a fee for it and collect it if he could. Not a question of professional ethics, but a question of Mr. Daugherty's personal veracity emerges from Mr. WATSON'S remark. Mr. WATSON said that he had discussed the matter of the Morse case with Mr. Daugherty "on various occasions." To avoid the possible unfairness of a summary we reprint the essential part of the dialogue between the two Senators:

"Mr. WATSON. The Senator, then, accepts a rumor as true and charges it on the floor of the Senate?

"Mr. CARAWAY. Does the Senator from Indiana say that it is not true?

"Mr. WATSON. I do.

"Mr. CARAWAY. On the Senator's own personal knowledge?

"Mr. WATSON. I do.

"Mr. CARAWAY. That Mr. Daugherty did not represent Morse?

"Mr. WATSON. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

"Mr. CARAWAY. Did he indirectly represent him?

"Mr. WATSON. No.

"Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?

"Mr. WATSON. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary, and he received no fee for getting him out of the penitentiary.

"Mr. CARAWAY. How does the Senator know that?

"Mr. WATSON. I know it from the language of the Attorney General.

"Mr. CARAWAY. Did he tell the Senator that he did not?

"Mr. WATSON. He did."

Mr. WATSON repeated several times in one form or another that Mr. Daugherty "did not get any fee from Morse." That is a mere quibble, though, of course, not so meant by Mr. WATSON. What services did Mr. Daugherty render to Mr. Morse, no matter what fee was charged or expected or uncollected? Mr. WATSON'S "understanding of the situation," purporting to be derived from Mr. Daugherty, is absolutely incorrect. The charitable supposition is that Mr. WATSON'S memory was inaccurate. Mr. Daugherty owes it to his reputation to clear up this misunderstanding and to correct these misstatements. This is a duty he owes also to Mr. Harding and to the American people. Not a violation of professional but of personal ethics seems to be disclosed. Mr. Daugherty's imputation of motives to his adversaries is beside the point. He is his own worst adversary so long as he lets the Watsonian apologia go uncontradicted.

[From the New York World, May 22, 1922.]

"EMBARRASSING THE ADMINISTRATION."

Presenting some striking exhibits in the Morse case to the Senate, Mr. CARAWAY, of Arkansas, says that "there is only one decent thing for the Attorney General to do—that is to resign and not embarrass the administration any further."

If normalcy were more than an iridescent and fleeting hope, no doubt Mr. Daugherty would prove most embarrassing. The unaccountable slowness of the Department of Justice in prosecuting building profiteers is irritating to builders and rent payers; the Attorney General has been strongly attacked from the Republican side of the House in connection with war fraud prosecutions; and the sensational disclosures of Senator CARAWAY in the ancient and odorous Morse case raise new doubts as to the wisdom of inviting political lawyers in general, and Mr. Daugherty in particular, into the Cabinet. But conditions are not normal. Mr. Daugherty may well ask why he should be singled out for attack when sources of embarrassment are so many and so grave.

It is embarrassing to Mr. Harding to have to say that he does not "know of a nation in the world that ever maintained eminence in trade without it was eminent as a carrier of trade" as if he had never heard of the United States. But the interests behind ship subsidy have a bigger mortgage upon the G. O. P. than any individual, even from Ohio.

The bonus proposal in Congress has so embarrassed Mr. Harding that he has repeatedly given notice that he will not accept it unless means are at the same time provided for meeting the cost, and it will be even more embarrassing if he is obliged to change his mind.

It is embarrassing to the administration to have the dominant party in the Senate confirm TRUMAN NEWBERRY in the seat that was bought for him, although such practices are "harmful to the honor and dignity of the Senate," according to its own resolution, "and dangerous to the perpetuity of free government." But NEWBERRY was used to help organize the Senate against the League of Nations, and that gave him also a mortgage to foreclose.

It is embarrassing to the administration to have to frame a tariff of abominations and impose it upon a protesting country. Everybody understands the political danger. The "woman with the market basket" wrecked one Republican Congress, and "the shopping woman" another, for tariff exactions. It is the same woman; she is older now and has a vote. But the party is committed. Nothing short of the farm bloc could stop it on the road to party ruin for private profit, and the farm bloc has been squared.

It is embarrassing to the administration to have its candidates for the Senate go down to defeat in primary contests in Indiana and even rock-ribbed Pennsylvania; so embarrassing that the President repents of the kind words he said for Senator FRELINGHUYSEN, and the White House intimates that there will be no more for anybody seeking renomination. Gifford Pinchot is trying to make the rebuke in Pennsylvania as easy for the President as he can by insisting that his own unexpected victory "is not a repudiation of President Harding." All the same, the people will continue to think what they think, and other old guard Senators must take their medicine, be it sweet or bitter.

It is embarrassing to the administration pledged to an honest observance of civil-service reform when employees of public offices are shoveled out in batches and the President himself is forced to say that there are "no charges" against them. It is embarrassing to have men with memories ask what has become of the League of Nations, which the 31 Republicans said we could best arrange to join by electing Mr. Harding; or even of the President's substitute association of nations. Either might be useful now to world peace and world solvency.

In fact, sources of embarrassment are so many that G. O. P. leaders—those who do not have to face an election this year—must sometimes be tempted to wish there might be a reversal at the polls in November. Then Congress would be unable to do anything, good or bad, and the G. O. P. could go to the people in 1924 on the issue that it saved the Union in 1861. Failing that, the embarrassments of the administration threaten to grow in number and in gravity. The letter and contract linking Attorney General Daugherty with the release of Charles W. Morse from prison 10 years ago, in spite of the strong denial of Senator WATSON of Indiana as an administration spokesman, is not the least of these.

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[From the Philadelphia Record.]

DAUGHERTY SHOULD RESIGN.

"We will give $2,500 in gold," remarked that blithesome Republican sheet, the Ohio State Journal, the other day, "for every grafting war contractor put in jail by Harry Daugherty, with an extra prize of a genuine Packard Single-Six in every case where said grafting war contractor so placed in jail is a Republican.

Not to be outdone in generosity we would be disposed to offer a Rolls-Royce if the said Harry Daugherty, who happens to be the Attorney General of the United States by the grace of Warren G. Harding, would state under oath his full and frank opinion of one Charles W. Morse, with whom he was on terms of great personal and professional intimacy 10 years ago. It was Daugherty who was instrumental in inducing President Taft to pardon Morse and free him from the Atlanta Penitentiary, for which, as Senator CARAWAY proves by the copies of letters read in the Senate, he was to receive a fee of $25,000. Daugherty has denied this, but now the letters, apparently given out by Morse himself, bob up to refute him.

If our amiable President is politically wise he will not seek to follow the example of General Grant, who, whenever one of his friends was attacked, refused obstinately to believe that he was capable of any wrongdoing. This trait, commendable as it is in some ways, brought great discredit upon the Grant administration, and Mr. Harding will find that a mistaken sense of loyalty will be equally disastrous to his administration if he persists too far in it.

Mr. Daugherty's record was such that he ought never to have been appointed Attorney General, and now that he has held office nearly 15 months he has confirmed the general impression that his selection was a great blunder. These latest charges are the most serious yet preferred against him. He ought to resign, as Senator CARAWAY says, to save the administration from further reproach.

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[From the Sun, Baltimore, Wednesday, May 24, 1922.]

PROSECUTION OF WAR FRAUDS.

Probably the public soon is going to know what it has a right to know—whether there are sufficiently powerful underground influences at work in Washington to prevent the Government from prosecuting certain well-known and well-defined war-fraud cases. The issue is squarely up to Attorney General Daugherty. Congress has granted him the $500,000 which he asked to pay the expenses of conducting the work. Certain excuses offered for the continued delay are becoming somewhat frayed about the edges. Unless the Attorney General acts, he is going to have a heap of trouble on his hands—unless he resigns in the meantime because of the storm clouds that are sweeping down upon him.

There has been a vast amount of loose and promiscuous talk about the extent to which the Government was mulcted during the war by unscrupulous contractors, but not until two fighting World War veterans now serving in the House began to badger the Attorney General with a number of unpleasant facts they had unearthed did the issue begin to assume tangible form. When Mr. Daugherty discharged two special investigators of the Department of Justice because of "disloyalty" in conveying information to these Congressmen, the public began to be interested. When it was further alleged that the Attorney General himself, apparently, had tempted one of these investigators to enter the employ of one of the concerns involved in the Bosch Magneto case, a concern against which this investigator had uncovered incriminating evidence, a sinister turn was given to the matter.

The Attorney General selected this evil hour in which to do a very foolish thing. He "inspired" the newspapers to print reports that he was going to turn his heavy artillery against certain unnamed officials and influential personages in the Wilson administration, because they were the prime movers in the various war-fraud cases. If Mr. Daugherty has any remote plan of carrying out this threat, let him tell the world all he knows. Unfortunately for him, however, circumstantial evidence seems to indicate that these threats were merely a political maneuver, intended to intimidate certain men who were in the possession of documents which the Attorney General desired to keep from the public for highly personal reasons.

The intimidation failed. Documents placing Mr. Daugherty in the most humiliating position that any Cabinet officer has been placed since Richard Achilles Ballinger was forced to resign are being published and many more are coming. The Daugherty-Felder-Morse correspondence constitutes one of the most shocking incidents in recent American political history. But they are merely a side issue to the problem confronting the Department of Justice, which is, Are the war-fraud cases to be prosecuted or are they not? Can political influence not only retard but absolutely block the processes of the law?

Taunts are being thrown at the Attorney General which must rivet the public gaze upon him. Samuel Untermyer, himself an investigator and prosecutor of eminence, ridicules the idea that Mr. Daugherty "means business." An Ohio newspaper in Mr. Daugherty's home town offers a prize of $2,500 for every convicted contractor placed in the penitentiary through his efforts, with a costly automobile thrown in as an "extra" if the contractor in question be of the Republican persuasion. This may seem frivolous and offensive, but it aptly characterizes a cynical attitude toward the Attorney General, which is expressed in Washington more and more frequently regardless of party lines. It has been some time since bald and open discussion of the manipulation of the Department of Justice through political influence has been heard so insistently. The President owes it to himself not to permit the situation to become more ugly and menacing than it is now.

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[From the New York Tribune, Wednesday, May 24, 1922.]

TIME TO RESIGN.

Unless Attorney General Daugherty has a better defense of his relation to the unsavory Morse pardon than thus far has come from him or his friends, he should relieve President Harding of embarrassment by a prompt resignation.

It is not necessary to go into extensive argument. Facts which are so far not effectively contradicted speak for themselves. It is surely an amazing thing that when the conspiracy to get Morse out of prison was hatched it happened that the conspirators went to Ohio and hired a lawyer, without prior connection with the case, who happened to be a friend of the pardoning power.

Mr. Daugherty should never have been named as Attorney General. The appointment was one of the few mistakes President Harding has made. It was a personal selection, and such for high office are seldom happy. The only way to rectify the blunder, if the documents published in the CONGRESSIONAL RECORD are genuine and accurate, is to ask for a speedy resignation if one is not tendered. Granted that Mr. Daugherty was one of those who were fooled, he is manifestly in that event too gullible to be at the head of the Department of Justice.

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[From the World.]

A DAUGHERTY INVESTIGATION.

The judges of the Federal courts of the United States take a solemn oath to "administer justice without respect to persons and do equal right to the poor and to the rich."

They can not fulfill this oath, however, no matter how sincere they may be, unless the Attorney General of the United States is devoting himself single-mindedly to the task of administering justice without respect to persons and doing equal right to the poor and to the rich.

The Attorney General is the Government's minister of justice, and quality of justice will be determined mainly by his attitude toward the duties and responsibilities of his great office. In the circumstances, therefore, Congress owes it to the country to make a searching and impartial investigation of the various charges that have been made against Harry M. Daugherty.

The Morse pardon necessarily has a direct relation to such an inquiry, for although the scandal was history long before Mr. Daugherty became a member of President Harding's Cabinet, all the sensational accusations and all the rumors in regard to his activities in behalf of Morse have a bearing on the degree of public confidence that can be attached to his services as Attorney General.

Nevertheless, the Morse pardon is not the whole of the case. Two Representatives in Congress, Mr. JOHNSON and Mr. WOODRUFF, have made sensational charges against the Department of Justice in respect to the prosecution of the so-called war frauds. Mr. Untermyer has been no less specific in his charges against the Attorney General in the prosecutions growing out of the work of the Lockwood committee. One of the special agents of the department has been dismissed by Mr. Daugherty for "disloyalty," because he gave information to Members of Congress.

Thus far there have been only ex parte statements on both sides of the controversy; but neither President Harding, Mr. Daugherty, nor Congress can afford to let it rest there. Mr. Daugherty is either fit to be Attorney General of the United States or he is not. He is either entitled to the full confidence of the American people or he is entitled to no confidence at all and should be compelled to resign. Only Congress has power to establish the facts and make possible an intelligent decision before the court of public opinion.

The ordinary citizen has no partisan interest in the matter. He would be quite as well pleased to have the Attorney General vindicated as to have him proved unworthy of his high office, and more so, because few Americans are capable of deriving personal satisfaction from a scandal

in the administration of the Government of the United States. It must be apparent even to Mr. Harding that in the midst of all the charges and countercharges there can be no public confidence in the administration of justice in Washington until the accusations against Mr. Daugherty are disposed of by a fair investigation or there is a new Attorney General of the United States. Nor can it be said that those who favor an inquiry are seeking to make political capital against the administration, for if Mr. Daugherty is sustained by an investigation the chief beneficiary will be the Harding administration.

There was a Daugherty issue long before Senator CARAWAY made his speech on the Morse pardon and there will be a Daugherty issue in increasingly acute form until the fitness or unfitness of Mr. Daugherty to be Attorney General of the United States is definitely established by a committee of Congress.

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[From the New York Herald, Friday, May 26, 1922.]

A POLITICAL BLUNDER.

The New York Herald sees no political wisdom in the purpose of Representative CAMPBELL to shield Attorney General Daugherty from the investigation called for by the Woodruff resolution, introduced in the House April 11. It sees it as a distinct political blunder.

This resolution proposes an inquiry as to the failure of the Attorney General to prosecute, civilly and criminally, persons and corporations alleged to have defrauded the Government in war contracts.

The Rules Committee of the House voted 6 to 5 on May 3 to report the resolution favorably. Mr. CAMPBELL is chairman of the Rules Committee. He recorded his vote on May 3 with the majority for favorable consideration of the Woodruff resolution. Now he comes out in opposition to it, and in this opposition it is reported he has the powerful support of Floor Leader MONDELL.

Since the Woodruff resolution was introduced April 11 the position of Attorney General Daugherty before the public has very materially changed. If there was justifiable cause on May 3 for the Rules Committee to report the Woodruff resolution favorably there is more cause now for putting it through. The question then was confined to the Attorney General's alleged failure to handle these war fraud cases with the vigor and the decision that the Nation demanded.

The question now, just or unjust, is whether Mr. Daugherty is a fit man for Attorney General of the United States. This is what the public wants to know. The facts in respect of the Morse pardon from the Atlanta Penitentiary by President Taft and Mr. Daugherty's connection with the case were so bungled by Senator WATSON in his defense of the Attorney General against Senator CARAWAY'S charges in the Senate that the public got an unpleasant picture of the whole matter.

What Mr. Daugherty needs more than anything else right now is a thorough, fair discussion of all the charges against him. He should not permit himself to become the storm center of politicians on either side of the Chamber. He should not permit his party to smoke screen him, for smoke screening by one's party serves only to give wings to suspicion.

In this awkward situation the only thing for Mr. Daugherty is to draw the fire of the men attacking him. His fitness or unfitness for the great office he holds in the Harding administration should be determined on the facts justly and fairly considered. Any other way of considering them would not give Mr. Daugherty a square deal. His fitness for Attorney General of the United States is a question of fact, not a question for partisan heat.

Harry Daugherty, with his warm human instincts and kindly feeling, has a world of devoted friends. That a situation should have developed that makes for Congress consideration of his management of the office of Attorney General and makes as well for consideration of his connection with the Morse case is distressing to his friends and to his party.

But the situation having developed, the way to meet the issue is the way his friends would have him meet it, by asking himself for the investigation and insisting on getting it. The New York Herald sees no other course open to Harry Daugherty if he wishes to retain the office of Attorney General with full public confidence. It is either this or surrender the office to his great chief and get out from under the burden of public service, get away from public jealousies and public criticisms.

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[From the Public Ledger, Philadelphia, Friday morning, May 26, 1922.]

MR. DAUGHERTY.

What has now come to pass is precisely what informed political opinion and intelligence feared would happen when Harry M. Daugherty was named Attorney General in Mr. Harding's Cabinet. We say "feared" would happen advisedly, for any scandal or threatened scandal in the President's official family is of necessity a matter of national regret and concern, regardless of politics and partisanship.

The plight in which Mr. Daugherty now finds himself is one that threatens and affects the integrity of the Federal administration. It is clearly a case that Congress should investigate impartially, promptly, and thoroughly, not as a political move, but as a matter of justice to clear away or confirm a public suspicion and public charges that now are directed against the Attorney General.

Mr. Daugherty's fitness for the high office he holds should not be questionable. It should be known and established. So long as it is a matter of doubt and a question of fact, it is bound to become a topic of political discussion. When the integrity, veracity, and the general qualifications of the Attorney General of the United States threaten to become a "campaign issue," the administration of Federal justice is embarrassed, impeded, and clouded.

Mr. Daugherty owes it to the President who has reposed confidence in him, he owes it to a suspended but questioning public opinion, and he owes it to his party to ask from Congress a full and exhaustive inquiry into the charges against him and the revelations about his activities that have been made on the Senate floor. The issues that have been raised against him should not be evaded. They should not be and can not be hushed up by inaction on the part of the Attorney General.

If the whole business is not cleared up now, it will go into the coming political campaign, and neither Mr. Daugherty nor his political and official associates will be the gainer. In his present estate and situation the Attorney General is a public liability and embarrassment.

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[From the New York World, Friday, May 26, 1922.]

DAUGHERTY AS AN ISSUE.

The Republican leaders of the House make no concealment of their intention to block the Woodruff-Johnson resolution providing for an investigation of Attorney General Daugherty and the Department of Justice.

Mr. MONDELL, the Republican floor leader, pleads that the proposed inquiry would be "a reflection on the President." Representative CAMPBELL, chairman of the Committee on Rules, who is holding back the resolution, adopts Mr. Daugherty's disingenious defense and pretends that an investigation would aid the war grafters that the Attorney General "is indicting and prosecuting."

The Woodruff-Johnson resolution was introduced by two Republican Members of the House, both of whom made specific charges that Mr. Daugherty had personally intervened to prevent the prosecution of men who had defrauded the Government. It had nothing to do with the subsequent revelations in regard to Mr. Daugherty's part in the Morse pardon scandal. It is in no sense "a reflection on the President," except as the President chooses to intervene in behalf of his Attorney General. In that case he must share both the political and the moral responsibility for the partisan decision to smother these proceedings.

Mr. Daugherty himself could relieve the President of embarrassment either by resigning or by demanding a searching investigation. That is what most of his predecessors in office would have done in similar circumstances. The more the issue is discussed in the House and the Senate the more inevitable it is that the Attorney General must soon come into the open and face his accusers. Senator NORRIS, of Nebraska, who is a Republican, summed up the situation concisely when he said that "there is no reason or sense in trying to head off this investigation. The men in the Republican Party who attempt to do it will be repudiated in the end."

Mr. Harding may not see this, but he can not keep his eyes closed indefinitely. He must be aware of the fact that Mr. Daugherty finds few apologists and no outright defenders among the leading Republican newspapers, and those Republicans who speak for him in Congress have never undertaken to meet any of the accusations against him. All they do is to set up the hollow and hypocritical claim that he is the victim of war-fraud beneficiaries who are seeking to prevent prosecution. Not one of them believes it, but they can think of nothing else to say, and Mr. Daugherty himself is of no assistance to them.

The most shocking part of this scandal is the moral obtuseness shown by the Republican leaders from the President down. Their attitude is that of men who are determined that the Attorney General must be shielded from investigation by a Republican committee of a Republican Congress, not because there is nothing to investigate but because he is the President's friend and is the managing politician who brought about Mr. Harding's nomination at Chicago. Even in the worst days of corruption under the Grant administration there was nothing so flagrantly impudent and defiant as that.

Mr. Daugherty has become the moral test of the Harding administration. He is now one of the issues on which the administration will have to go before the country in the fall, and while the President can possibly keep his Attorney General out of the rooms of an investigating committee, he will not be able to keep him out of the ballot box in November.

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[From the Philadelphia Record, May 24, 1922.]

Some one in an idle moment suggested, possibly as diversion for the early summer months, a straw vote as to the most unpopular man appointed to high office by President Harding. Quickly the contest has narrowed down to Ambassador Harvey and Attorney General Daugherty. Much is to be said as to the unpopularity of each of these beneficiaries of the President's well-known amiability, but the Record does not feel obliged to express an opinion as to who should or is likely to win in this rivalry and who is to get the consolation or booby prize. A disinterested observer would say that while Harvey had an early lead, Daugherty has been gaining.

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[From the Louisville Times.]

RAISING THE OLD HARRY.

The important thing about the charges of Senator CARAWAY against the Attorney General of the United States is not that Mr. Daugherty helped get Charles W. Morse out of prison on a fake illness but that Mr. Daugherty authorized his friends in the Senate to deny the connection.

Mr. Daugherty up to the time he was so signally honored by the presidential candidate he had managed was known as a lawyer largely engaged in cases like that of Morse. He made good fees, and his activities extended just as far as the abodes of people who got into trouble with the law. Mr. Daugherty was the sort of useful chap who could make a good deal of progress toward getting them out of trouble. He was known to have "influence" at Columbus and at Washington. So that if the name of Harry M. Daugherty did not figure in the Supreme Court record of great cases he was the counsel in many successful settlements out of court, and he found it very profitable.

Being engaged in so quiet, albeit so satisfactory, a practice, Mr. Daugherty was not as well known professionally as his talents entitled him to be when he was selected by President Harding to be the Attorney General. The Times on that occasion said that, because of the nature of his practice, it were better that Mr. Daugbetry had been made something other than Attorney General. This newspaper conceded that he was entitled to a place in the Cabinet, because the Presidency was his individual surprise party for Mr. Harding. But it feared that some of the liberal incidents of the Attorney General's practice would rise up to plague him, just as the Morse case has done.

Mr. CARAWAY has proved that Mr. Daugherty was very definitely engaged in the Morse case. He has produced photostatic proof of the contract in which the Attorney General and Tom Felder, of Atlanta, agreed to work for the pardon for a consideration of $25,000.

Tom Felder says in defense of Mr. Daugherty that the present Attorney General did not receive any part of the $25,000 fee. But he contracted to receive it, and the fact that he declined to accept the steamship stock which Morse gave to Tom Felder is more of a proof of Mr. Daugherty's business acumen than of any pang of conscience. The stock turned out to be worthless.

The employment, as was said before, is not astonishing. But for an old hand and a cool one like the Attorney General to authorize his friend, JIM WATSON, to deny the connection makes it appear as if the distinguished Cabinet Minister is losing the only two qualities he ever had—his boldness and his judgment.

Mr. Daugherty, so far as his connection with the Morse case is concerned, is just as fit to be Attorney General as he ever was. The President and the Republican Party leaders knew all about him and his type of practice when he was selected. But if Mr. Daugherty really made the political blunder of having WATSON deny a truth that was bound to come out he has disqualified himself as a wise politician. And that is the only reason he ever was made Attorney General.

[From the Courier-Journal, Wednesday, May 24, 1922.]

THE MORSE MYSTERY.

The chief interest in the charges which Senator CARAWAY is making against Attorney General Daugherty is not so much in the charges themselves as in the proof of them which the Arkansas Senator is producing. And the chief interest in Mr. Daugherty's present attitude in the matter is not his silence, but the fact that he has allowed his misinformed friends in the Senate to deny the charges which are now proven.

The character of Mr. Daugherty's practice as an attorney was pretty well known when Mr. Harding placed him in the Cabinet. The fact that it was so well known created a storm of protest when Mr. Harding's consideration of the appointment was reported. That protest was by no means partisan, for it was participated in by the better elements of the Republicans, as well as the legal fraternity, everywhere.

But Mr. Harding was obdurate. He even declared that the country's objections to the appointment merely strengthened his determination to make it. That appointment and the appointment of George Harvey to the British ambassadorship, in the face of the public clamor against them, constitute the two outstanding demonstrations which the President has furnished that, contrary to the popular estimate, he has a "backbone" when he chooses to stiffen it.

With the exception of Mr. Daugherty's victimizing of his friends in the Senate, his record as exposed by Mr. CARAWAY does not appear as materially different from what it was known to be when he was made Attorney General of the United States.

Who among those who aided in the fraud by which the convict Morse got out of the Atlanta prison were tarred with the same stick is of less interest to the public than would be a solution of the mystery of how the fraud was accomplished.

There is no popular desire to see the Attorney General proved a conspirator. It would add only a little to popular chagrin. Mr. Daugherty has no advocates among those who feel that none but a great lawyer should occupy the office he received as a political reward. But the irritation which arose from the appointment caused nobody to feel the slightest enmity toward Mr. Daugherty.

The President bore the brunt of the criticism that was occasioned by his calling Mr. Daugherty to the Cabinet. He caused it to be announced at the White House long afterwards, in connection with the intolerable Goldstein appointment, that he never boasts of an appointment or apologizes for one.

Fraud got Morse out of prison. Possibly he may be put in prison again as a result of fraud. In the meantime, who the conspirators were and how they did their work is a question which a vast number of Americans would like to see answered.

The resentment of President Harding's appointment of Mr. Daugherty would continue if it should be shown that he had nothing to do with the Morse fraud. It would not be intensified very greatly if it should be proved that Mr. Daugherty hatched the scheme to dose the convict into a state in which the diagnosis of Bright's disease could be presented as a means of persuading President Taft to turn out of prison a felon able to do handsomely by those who got him out, or willing to promise to do well for those who should get him out.

Mr. WATSON of Georgia. Mr. President, if I caught the wording of the Attorney General's letter correctly, he evades the issue as to whether or not he was paid. He says he was not paid "directly" by Morse. The natural inference to be drawn from that language is that somebody paid him for Morse. It is a very suspicious equivocation. Coming from a high official of the Government it is a statement that does not carry conviction.

In all of the metropolitan papers the utmost prominence is being given to these charges made against the Department of Justice. In the other House two Republican Representatives, against whom nothing can be said, have repeatedly attacked the Attorney General and demanded that he prosecute in specific cases; and Representative WOODRUFF has said that if the Attorney General does not prosecute in the cases mentioned he will impeach the Attorney General. Assuming that Representative WOODRUFF is in earnest, the Attorney General is steering himself up against a serious situation. He can not afford to ignore what has been said against him by such papers as the New York Herald, the New York Times, the New York Tribune, and the New York World. He can not afford to ignore the fact that prominence is given to these charges on the front pages of such papers as the Baltimore Sun and the Philadelphia North American.

Why, Mr. President, the News of this city carried the contracts which Senator CARAWAY introduced in the Senate, showing photostatic copies thereof, and on the front page of the News there was reproduced the colloquy between Senator JAMES WATSON, of Indiana, and Senator CARAWAY, of Arkansas. Does the Attorney General think that the Senate and the public believe that he does not read any newspapers at all? Does he think that the Senate and the country will believe that he has been so long in ignorance of what passed here between Senators CARAWAY and JAMES WATSON, of Indiana? Perhaps a month from now he will read what was put into the RECORD yesterday and what was in all the newspapers this morning.

I have this typewritten statement from the same gentleman who put me in possession of what I placed in the RECORD yesterday:

Add to what you have already said that the district attorney's office in New York recommended criminal prosecution and confiscation of cargo, yet Daugherty wired to release ship *J. M. Young* is a matter of record in the district attorney's office, and it might be a good idea to ask Major Clark, who is handling the case in the district attorney's office, for the facts in the congressional inquiry.

2. Wine seizure: The case referred to is the Continental Wine Co., of which Nathan Musher has been indicted only last Saturday in Philadelphia for conspiracy to violate the national prohibition act. Why did Mr. Daugherty cause the $200,000 worth of wine to be released?

This was one of the first acts of Mr. Daugherty when he came into office.

3. Director Harold H. Hart, Thomas Ready, and Michall Lynch, in New York, in the Federal prohibition department there, were indicted last November for a conspiracy to violate the Volstead Act. They released illegally 2,000,000 gallons of liquor.

When they were arraigned in court, Felder appeared for them. Since this time there has been nothing heard of the case, and criminal prosecution has come to a stop.

4. There seems to be a good bit of discussion about the George Myers pardon, multimillionaire of Ohio, who was sent to Atlanta for violation of the Mann Act.

Violation of the Mann Act—a multimillionaire of Ohio!

After the judge and district attorney recommended that he be kept in jail, Daugherty recommended to the President that he be pardoned.

One can hardly imagine a crime involving greater moral turpitude than for an intelligent, educated multimillionaire, moving in the highest circles, deliberately committing such a crime as is named and penalized in the Mann Act.

Mr. President, the Attorney General says there was nothing wrong in his conduct of the Morse case. The wrong consisted in this—in practicing a fraud upon the pardoning power. Fraud vitiates all things, a pardon as well as a deed or a contract. In the eyes of the law Morse is not pardoned. His sentence has not been served out. He was sentenced to serve 16 years, according to my recollection. He did not serve a year of it, or not much more, if that much. Why should he have had a pardon just because he was sick? Is there an unwritten law which grants pardons because felons are sick? Are there no sick men in jail now? Are none of those men sick who were convicted under the espionage act of saying something imprudent during the war and given harsh terms, which they are now serving out? They have languished in prisons year after year for merely a few words displeasing to the Government. When did sickness in a prison become a ground for a pardon?

This man Morse pretended to be dying when he was not even sick. His lawyers pretended that he was dying when they knew he was not. They claimed and he claimed that all he wanted to do was to escape the disgrace of dying in the penitentiary; he could live but a few days if pardoned, but he wanted to die a free man so that his family would not be disgraced. How did he use the clemency which the President extended to him? By keeping himself and his boys out of the war, and devoting their energies and his energies to robbing the people whose boys were on the firing line.

Mr. President, if the proper course were pursued, in my judgment, it would be this: For President Harding to have an independent investigation in Atlanta, in that penitentiary, as to what took place there while the case was being worked up in Morse's favor. He can readily secure testimony to show that the whole thing on the part of Daugherty, Felder, and the doctors that Felder selected was a willful, deliberate, consummate fraud; the pardon should be set aside, and United States marshals should be sent to Maine to bring Morse back and put him where he belongs.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. The question is upon the amendment of the committee, which will be stated.

The ASSISTANT SECRETARY. On page 56, line 20, it is proposed to strike out the word "the" before the word "sheet."

The amendment was agreed to.

The ASSISTANT SECRETARY. In paragraph 312, page 57, line 7, it is proposed to strike out the word "manufactured" and the comma, and insert the same word, "manufactured," without a comma.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 9, it is proposed to strike out the word "if."

The amendment was agreed to.

The next amendment was, in paragraph 312, page 57, line 12, before the words "per cent," to strike out "25" and insert "30," and, after the words "per cent," to strike out "ad valorem" and insert "ad valorem; sashes, frames, and building forms, of iron or steel, 40 per cent ad valorem."

Mr. ROBINSON. Mr. President——

Mr. McCUMBER. Mr. President, if the Senator will yield to me a moment, I was about to suggest that the Senate disagree

to the amendment on lines 12, 13, and 14, commencing with the words "ad valorem" on line 12. That will leave the duty at 30 per cent ad valorem.

Mr. ROBINSON. Mr. President, I shall not, of course, object to the proposition now submitted by the Senator from North Dakota. I had intended to discuss the committee amendments at length. I will merely take occasion to put into the RECORD as briefly as I can some of the reasons why I think this increase contemplated in the committee amendment should not be granted, and therefore the motion of the Senator from North Dakota, now submitted, should be agreed to.

I ask the Senator from North Dakota, for my information and guidance in the discussion of these amendments, to say whether it is his expectation to make any concession on the next amendment, the one in line 13, proposing an ad valorem rate of 40 per cent on sashes, frames, and building forms of iron or steel?

Mr. McCUMBER. Mr. President, I do not think I correctly stated the change proposed by the committee. The committee will ask a disagreement to the entire proposed committee amendments on lines 12, 13, and 14. That will simply leave the rate 25 per cent ad valorem, just as the House left it. It strikes out all the rest and puts it all on a 25 per cent ad valorem basis.

Mr. ROBINSON. Very well, Mr. President. The rates proposed by the House, and which for the present will remain in the bill if the proposal now submitted by the Senator from North Dakota is agreed to, are, in my opinion, very much more reasonable than the rates reported by the committee. It may become advisable hereafter to submit an amendment covering those two items; but for the present I shall content myself with a discussion of the proposal of the Senator from North Dakota.

This paragraph relates to structural shapes. They are divided by the trade into "heavy" and "light," and they bear certain commercial names—beams, channels, joists, girders, angles, tees, and zees—which are said to be largely descriptive of their cross-section appearance. The heavy shapes are used in the construction of bridges, ships, cars, and similar structures. The light shapes are used in the manufacture of agricultural implements, fences, safes, automobiles, and related manufactures.

The conditions relating to competition in this industry are very well set forth in the Survey of the Tariff Commission, at page 7 of C-3. I shall not take the time of the Senate to read this paragraph of the Tariff Commission Survey, but I will ask that it be inserted in the RECORD.

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

The matter referred to is as follows:

At the present time (1921) American producers have almost entire control of the home market and are able to export from 5 to 15 per cent of the country's output. For several years, however, European producers were able to market this product on the Pacific coast, the cost of transporting structural shapes from Europe to the Pacific coast being less than the cost of shipping the domestic product from Pittsburgh by rail across the continent. The war in Europe, however, brought about a lessened importation of structural shapes, and the high ocean freight rates have largely done away with any competitive advantage which foreign producers may have had with reference to cheaper transportation rates to the Pacific coast.

Mr. ROBINSON. Mr. President, the production relating to these commodities is the subject matter of considerable discussion in the Lockwood report, the intermediate report to which I have heretofore referred in connection with manufactures of brick and cement; and I ask unanimous consent to insert in the RECORD a paragraph on page 21, down to and including the bottom of page 22 of the intermediate report of the Lockwood committee.

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

The matter referred to is as follows:

From 1910 to 1917 an average of 24,922 new apartments were built each year. From 1918 to July 1, 1921, the following construction in dwellings took place:

	Number of apartments.
1918	5,706
1919	1,624
1920	4,882
July 1, 1921	1,183

This shows an average of 3,642 new apartments constructed in the post-war period, so that the gross construction fell behind 73,832 apartments. The gross construction in three and a half years fell behind 4,034 more than the net construction, which, as above stated, fell behind 69,797. All these calculations are based on official figures showing a shortage of nearly 70,000 houses on July 1, 1921.

(3) Abnormal cost of construction of building.

With this astounding shortage in dwellings, there is a correspondingly astounding increase in the cost of the essential materials of building construction. The statistics of wholesale prices of building materials from January, 1917, to October 1, 1921, compiled by the Federal Bureau of Labor, show how greatly such prices have increased. Retail prices have more than correspondingly increased.

The United States Government uses 100 as a unit to indicate wholesale prices of commodities. In April, 1920, building materials reached a maximum of 341, while general commodities, notwithstanding the extent to which they, too, have been exploited in every direction, were at their highest point at 272. In December, 1920, building materials fell to 266, while general commodities fell to 189. In February, 1921, while general commodities were at 177 building materials were still at 222.

The following statistics are from the Bureau of Labor Statistics of the United States Department of Labor. They show the index numbers of wholesale prices of lumber and building materials and of commodities in general by months from 1917 to October, 1921:

Year and month.	Lumber and building materials.	All commodities.
1917.		
Average for year	124	176
January	105	151
February	108	156
March	110	161
April	114	172
May	117	182
June	127	185
July	132	186
August	133	185
September	134	183
October	134	181
November	134	183
December	135	182
1918.		
January	136	185
February	138	186
March	144	187
April	146	190
May	148	190
June	150	193
July	154	198
August	157	202
September	159	207
October	158	204
November	164	206
December	164	206
1919.		
January	161	208
February	163	197
March	165	201
April	162	203
May	164	207
June	175	207
July	186	218
August	208	226
September	227	220
October	231	223
November	236	230
December	253	238
1920.		
January	268	248
February	300	249
March	325	253
April	341	265
May	341	272
June	337	269
July	333	262
August	328	250
September	318	212
October	313	225
November	274	207
December	266	189
1921		
January	239	177
February	221	167
March	208	162
April	203	154
May	202	151
June	202	148
July	200	148
August	198	152
September	193	152
October	192	150

Mr. ROBINSON. I also call attention to two paragraphs on page 30, as follows. They are brief, and I will read them:

The total number of apartments—

That is, in New York City—

The total number of apartments, therefore, provided in new tenements erected during the past five years is only 29,120, or approximately 17 per cent more than the normal annual production before 1914.

Differently stated, there have been provided in the past five years 29,120 apartments, as against 125,000 apartments that were provided during the five years preceding the war; so that even if there had been no cessation of building the present rate of construction, taking the year 1920 or 1921, is equal to a trifle over one-fifth of the normal construction.

I also ask leave to insert in the RECORD the information furnished by the Tariff Commission in survey C-3, at page 26, being the first two tables printed on that page.

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

The matter referred to is as follows:

Structural iron and steel—Domestic exports (calendar years).

Exported to—	1918		1919		1920	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Gross tons.		*Gross tons.*		*Gross tons.*	
France	26,795	$2,282,957	79,665	$6,366,834	13,872	$1,347,385
United Kingdom	5,038	384,708	1,399	94,616	10,187	806,204
Canada	111,118	8,211,009	99,032	6,209,025	137,930	8,931,124
Panama	1,107	77,328	532	44,385	1,344	113,038
Trinidad and Tobago	195	27,911	41	5,017	275	38,166
Cuba	11,112	1,098,109	23,600	1,953,297	47,703	4,702,275
Argentina	3,645	391,665	13,265	1,107,146	32,320	2,532,719
Chile	5,156	659,756	9,917	1,377,593	2,489	235,552
China	4,561	562,287	6,033	576,890	*6,037	645,134
British India	865	97,947	5,365	447,470	39,840	2,547,840
Japan	24,197	3,398,470	49,920	4,360,251	89,839	6,295,271
Australia	1,537	128,122	3,216	193,764	4,020	266,988
All other	37,403	4,148,183	68,802	6,220,528	107,799	9,932,856
Total	232,729	21,468,452	360,787	28,956,816	493,655	38,394,552

Structural shapes (I beams)—Prices, wholesale, per pound, Pittsburgh, Pa.

[From Iron Age, Jan. 3, 1918, p. 69.]

	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
January	1.550	1.40	1.15	1.75	1.20	1.10	1.90	3.25	3.00	2.80
February	1.510	1.40	1.11	1.71	1.20	1.10	2.06	3.25	3.00	2.80
March	1.500	1.40	1.15	1.70	1.19	1.10	2.40	3.54	3.00	2.71
April	1.500	1.40	1.21	1.68	1.15	1.20	2.55	3.88	3.00	2.45
May	1.500	1.39	1.25	1.50	1.14	1.20	2.60	4.00	3.00	2.45
June	1.480	1.35	1.25	1.45	1.11	1.20	2.53	4.31	3.00	2.45
July	1.410	1.35	1.30	1.45	1.12	1.25	2.50	4.50	3.00	2.45
August	1.400	1.35	1.35	1.45	1.19	1.30	2.52	4.30	3.00	2.45
September	1.400	1.34	1.42	1.41	1.20	1.35	2.64	4.00	3.00	2.45
October	1.400	1.21	1.48	1.37	1.15	1.44	2.75	3.00	3.00	2.45
November	1.400	1.13	1.57	1.29	1.10	1.60	2.86	3.00	3.00	2.45
December	1.400	1.15	1.60	1.25	1.07	1.78	3.25	3.00	2.90	2.45
Annual average	1.455	1.32	1.32	1.50	1.15	1.30	2.55	3.67	2.99	2.53
Highest monthly average	1.550	1.40	1.60	1.75	1.20	1.78	3.25	4.50	3.00	2.80
Lowest Monthly average	1.400	1.13	1.11	1.25	1.07	1.10	1.90	[1] 3.00	2.90	2.45

[1] Government price, $3.

Mr. ROBINSON subsequently said:

In connection with the remarks which I made respecting paragraph 312, I ask leave to insert in the RECORD, in addition to the matter which I then had inserted, pages 128, 129, and 130 of the Lockwood report, which relate directly to combinations among the manufacturers and dealers in structural shapes.

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

(35) THE IRON LEAGUE.

The struggle of the United States Steel Co., the Bethlehem Steel Co., and other manufacturers of steel throughout the United States to enforce the recognition of the so-called "open-shop" principle not only in their own plants but in every building job in which structural steel is used, has led to many pernicious results. The proof put before your committee establishes that the so-called "open shop," as enforced by the steel companies in all their ramifications, is neither more nor less than a nonunion shop.

The union men claim that all the foremen of the steel plants are required to be nonunion men. The foremen have an association of their own into which union men say they are not admitted, and that no union man is eligible as foreman in any of the great steel works of the United States Steel or in any of their affiliated industries. A vast spying system is maintained both in the steel companies and in the unions, as a result of which men who are found to be active in the unions are discovered and deprived of work. Some of these men were witnesses before the committee. The methods by which they were detected and discharged were disclosed by their testimony.

It was in effect a black-listing system. Whether it still exists your committee is unable to determine, but intends to make further inquiry.

As before stated, it was largely because of the power of the men in the steel industry to enforce this so-called "open-shop" policy in the erection of structural steel in the city of New York that Brindell was able to blackmail many builders in the city of New York. When the pretext of calling a strike upon a building that the house wreckers of his "wreckers" union were not employed, failed him, he invariably resorted to the excuse that the builder was employing nonunion men in the steel erection.

In 1919 the labor unions made an effort to organize the great steel fabricators of the country on a union basis, but they failed. In furtherance of the struggle of the fabricators to maintain the open shop, they insisted that all steel be erected upon a nonunion basis. Officials of these corporations openly claimed on the witness stand that this interference with union labor in New York City was a necessary move on their part to prevent union conditions in their shops.

To carry this policy into effect the iron and steel industry is held in a country-wide network of organizations. Manufacturers, erectors, fabricators, and employers are interlocked in this network of organization.

Among the important members of this group are:

The National Erectors' Association.
The National Steel Fabricators' Association.
The Bridge Builders and Structural Society.
The Structural Steel Society.
The American Erectors' Association.
The above are all national associations.

In and about New York City, and organized on a similar basis and for a like purpose, there is the Iron League of New York.

Manufacturers and dealers associated in these organizations refused to deliver steel f. o. b. to any owner or builder who was under obligation to employ union labor or who independently of any such obligation operated on a union basis. He could not get his structural steel f. o. b. He was obliged to contract for it erected in place, which meant that it must be erected by what these gentlemen describe as "open-shop" labor, but which is in effect nonunion labor.

The president of the Bethlehem Steel Co. frankly admitted that the combinations referred to have been effective in maintaining the open-shop principle in connection with the erection of structural steel by refusing to sell steel to builders unless they unhesitatingly subscribed to that principle.

It appears from the testimony of Eugene G. Grace, president of the Bethlehem Steel Co., on pages 3625–3630 of the testimony, that at a meeting of the Steel Fabricators' Association held on November 28, 1919, a resolution was passed putting into operation the policy of selling fabricating material for erection only on the open-shop principle.

"Our company refused to sell fabricated steel to any builder or contractor in the New York district who will not erect it on what we call the open-shop principle.

"I do not know of any builder who can get any fabricated steel for construction in the city of New York without subscribing to that resolution. I do not know of any place where he can get it.

"The policy of selling to open-shop erectors has been the policy since September, 1919, when the American Federation of Labor attempted to organize our plants.

"Q. You deny your employees, don't you, the right of acting jointly with the employees of other concerns in dealing with you and your association?—A. We would not recognize it.

"If 95 per cent of my men belonged to a union, I would not recognize them as union men or as members of the union. I think that is better for the men."

The organizations above mentioned combine within their membership almost all the manufacturers, dealers, and erectors throughout the country, and although the open-shop policy was applied at the time of our inquiry only in the vicinity of New York, Philadelphia, and some other parts of the East it was admitted that it was intended to extend the principle throughout the country. The various associations have adopted resolutions directing their members to "adjust their business" so that the open-shop principle shall be maintained on all erection jobs.

Manifestly, this is an indirect way of excluding from the privilege of purchasing structural steel any builder who does not subscribe to the open-shop principle. Expert evidence on this subject shows the extent to which the maintenance of this policy is reflected in the cost of construction. Officers of the Fuller Construction Co. and the Thompson-Starrett Co. testified that by doing their steel-erection work themselves by skilled union labor, which is more efficient than nonunion labor, they could save large sums in the cost of construction.

Because of their inability to buy steel f. o. b. these important operators have been compelled to keep their expensive erecting equipment idle and to sublet the steel erection to a member of the Iron League, to whom alone the fabricators would sell the steel for erection in the city of New York and through whom alone they will permit it to be erected.

Since the exposures of your committee we are informed—although we have not yet had the opportunity to take proof on this subject—that the policy has been so far changed that the steel manufacturers will estimate for the furnishing of structural steel, either f. o. b. or erected in place, at the option of the builder, but this new order, it is claimed, amounts in practical effect to the same prohibition as heretofore existed.

Mr. ROBINSON. The commodities embraced in this schedule are primary structural material. It is doubtful, in my opinion, whether any tariff whatever is justified under the conditions that now exist. On page 7 of the Tariff Commission's Survey C-3 are contained figures relating to domestic production and consumption, imports, and statements relating also to the tariff history, which I ask to insert in the RECORD in connection with my remarks.

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

The matter referred to is as follows:

Domestic production and consumption: During the years 1910 to 1919, inclusive, the domestic production per annum has varied from 1,912,367 gross tons in 1911 to 3,110,000 gross tons in 1917. About 90 per cent of the country's output consists of heavy shapes. The consumption is about 85 to 95 per cent of the domestic production. Just prior to the war there was a marked tendency for exports to increase.

Imports: Imports are less than 1 per cent of the home production. Since 1915 Canada has been the leading contributor of the foreign supply, but during the years immediately preceding the outbreak of hostilities in Europe the greater part of the imported material came from Germany. During the years 1910–1915 over half the imported structural shapes entered the United States through the customs districts of the Pacific coast, from a third to over a half entering through the customs district of San Francisco.

Tariff: Prior to the act of 1913 specific duties were imposed on imported iron and steel beams, girders, etc. During the preceding 30 years these duties were gradually reduced from 1¼ cents to three-tenths and four-tenths cent per pound, depending on value. The law of 1913 imposed an ad valorem duty of 10 per cent, which, with the price then prevailing, was equivalent to a 60 per cent reduction in rates from those imposed by the act of 1909. The high prices resulting from the war, however, have made this ad valorem duty nearly equivalent to the specific duties imposed by the law of 1909.

Mr. ROBINSON. Under the parliamentary situation I am constrained to approve of the proposal of the Senator from

North Dakota which very materially reduces both of these items if amendments which I shall propose are rejected. I desire a vote on an amendment to the provision in line 12. I will not ask for a record vote on that amendment unless some reason develops hereafter for requiring it.

I move to strike out "30" in line 12 and insert "10" in lieu thereof, so that it will read "10 per cent ad valorem."

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The question is on agreeing to the amendment offered by the Senator from Arkansas to the committee amendment.

The amendment to the amendment was rejected.

The next amendment was, on page 57, line 13, after the words "per cent," to insert "sashes, frames, and building forms, of iron or steel, 40 per cent ad valorem," so as to make the paragraph read:

PAR. 312. Beams, girders, joists, angles, channels, car-truck channels, tees, columns and posts, or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, not assembled, manufactured or advanced beyond hammering, rolling, or casting, seven-twentieths of 1 cent per pound; any of the foregoing machined, drilled, punched, assembled, fitted, fabricated for use, or otherwise advanced beyond hammering, rolling, or casting, 30 per cent ad valorem; sashes, frames, and building forms, of iron or steel, 40 per cent ad valorem.

Mr. ROBINSON. There are no separate figures on exports and imports relating to sashes, frames, and building forms, of iron or steel, but nothing brought to my attention justifies any increase in the existing rate. I much prefer the House rate to the committee rate, and I therefore will support the proposal of the Senator from North Dakota that the Senate Finance Committee amendment be not agreed to; but before taking a vote on that I submit the following amendment: In line 13, page 57, to strike out "40" and insert in lieu thereof "15."

The PRESIDING OFFICER. The Chair suggests that the amendment striking out "25" and inserting "30" is an independent amendment, and probably should be voted on first.

Mr. ROBINSON. That is true, and I think that ought to be voted on first.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 57, line 12, to strike out "25" and insert in lieu thereof "30."

Mr. McCUMBER. I ask that that be disagreed to.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next amendment to the amendment.

The ASSISTANT SECRETARY. The Senator from Arkansas proposes, on line 13, page 57, to amend the committee amendment by striking out "40" and inserting in lieu thereof "15."

Mr. ROBINSON. I think I have made a sufficiently full statement on that and put into the RECORD the reasons for offering this amendment, and I will content myself with a brief addition to my former amendment. No necessity or justification exists for even the rate proposed in the House provision. Under the parliamentary situation I am at liberty to offer a lower rate, which I do, and I am ready for a vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the committee amendment.

The amendment to the amendment was rejected.

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

Mr. McCUMBER. I move to strike out "40" and insert in lieu thereof the figures "25."

Mr. ROBINSON. As heretofore stated, I am in accord with that motion, since my own amendment did not prevail.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 57, line 18, after the word "and" where it occurs the second time, to strike out "forty" and to insert "nine"; and in line 20, after the word "and," to strike out "forty" and to insert "nine"; so as to read:

PAR. 313. Hoop, band, and scrool iron or steel, not specially provided for, valued at 3 cents per pound or less, 8 inches or less in width, and thinner than three-eighths and not thinner than one hundred and nine one-thousandths of 1 inch, twenty-five one-hundredths of 1 cent per pound; thinner than one hundred and nine one-thousandths and not thinner than thirty-eight one-thousandths of 1 inch, thirty-five one-hundredths of 1 cent per pound; thinner than thirty-eight one-thousandths of 1 inch, fifty-five one-hundredths of 1 cent per pound.

Mr. ROBINSON. I make no objection to that.

The amendment was agreed to.

The next amendment was, on page 58, line 3, after the word "are," to strike out "made," and to insert "made:".

The amendment was agreed to.

The next amendment of the committee was, on page 58, line 5, before the words "per cent," to strike out "20" and to insert "35"; so as to make the proviso read:

Provided, That barrel hoops of iron or steel, and hoop or band iron, or hoop or band steel, flared, splayed, or punched, with or without buckles or fastenings, shall pay no more duty than that imposed on the hoop or band iron or steel from which they are made; bands and strips of iron or steel, whether in long or short lengths, not specially provided for, 35 per cent ad valorem.

Mr. ROBINSON. I do not believe this amendment ought to be agreed to.

Mr. SMOOT. Mr. President, before the Senator concludes what he has to say, I want to give notice now that the committee desires to make that 25 per cent instead of 35.

Mr. FLETCHER. That is better.

Mr. ROBINSON. The Senator from Utah has just informed me that the Finance Committee, in lieu of the amendment which it has heretofore reported, namely, to strike out "20" and to insert "35," will propose another amendment, striking out "20" and inserting in lieu thereof "25." Of course, the latter amendment is much more acceptable, from my standpoint, than the pending committee amendment, and while I think the rate would still be high and that the committee might very well afford to disagree to its amendment and thus leave in force the rate reported by the House, which, in my opinion, also would be higher than is necessary or justifiable, I would, of course, much prefer the amendment which the Senator from Utah says will be proposed to the one which is now pending.

This paragraph applies to barrel hoops, or such other hoops as are not otherwise provided for. The present rates are 10 and 12 per cent, respectively. The House inserted an ad valorem rate of 20 per cent, which I think is adequate, if not too high, in view of the information furnished the Senate respecting this item. The production is great, and the imports are small.

Mr. CUMMINS. May I ask the Senator from Arkansas a question in order to determine how I will vote on this question?

Mr. ROBINSON. I yield to the Senator.

Mr. CUMMINS. If the duty the Senator now mentions is reduced to 25 per cent ad valorem, would that be a higher or a lower duty than the House provides?

Mr. ROBINSON. The House having adopted its rate on the basis of the American valuation, and this rate being based on the foreign valuation, the practical effect of it would be a lower rate; but not only is the House rate based on the American valuation too high, in my opinion, but the proposed Senate rate would be too high.

Mr. CUMMINS. I have been wondering whether, if I voted to increase the rate from 20 per cent to 25 per cent, I would be voting for a higher or a lower rate.

Mr. ROBINSON. I can not answer that question any more than the Senator himself can, for the reason that the chairman of the Ways and Means Committee of the House, if I may be permitted to mention him, has announced that the American valuation will stay in this bill; that he proposes to persist in the attitude taken by the House on that subject until the snow flies, or the "cows come home," or some such characteristic statement. Of course, if we agree to a rate based upon the theory that the American valuation is not going to apply, and then the Senate conferees in the conference are compelled to recede from their position sustaining the foreign valuation, and the American valuation finally is adopted, the rate would be enormously high. In any event, even if the foreign valuation applies, I propose to show the Senate, in a very few words, that the rate proposed is too high.

On page 400 of the Summary of Information, furnished by the Tariff Commission, is contained the following statement:

Production figures of hoops and bands described in paragraph 313 are not available. In 1917 the entire output of hoops amounted to 347,186 gross tons; of bands and cotton ties to 490,893 gross tons. In 1920 the output of these products aggregated 333,440 and 388,862 gross tons, respectively.

Imports: Imports of hoop, band, and scroll iron and steel are small. In 1913 they amounted to 2,004 gross tons, valued at $300,161. These figures include some galvanized material. Since 1917 imports have been as follows:

HOOP, BAND, AND SCROLL IRON OR STEEL, N. S. P. F.

Calendar year.	Quantity.	Value.	Duty.	Ad valorem rate.
	Pounds.			*Per cent.*
1918	26,667	$2,086	$209	10
1919	55,207	5,399	540	10
1920	5,410	718	72	10
1921 (9 months)	153,719	6,995		

STRIPS OF IRON OR STEEL, N. S. P. F.

1918	81,085	$22,478	$2,697	12
1919	40,312	7,823	939	12
1920	315,293	64,430	7,735	12
1921 (9 months)	272,129	85,778		

In addition to this imported material there was a small amount of barrel hoops, fully or partly manufactured, coming into the country.

Exports of hoop, band, and scroll iron and steel in 1913 amounted to 41,019,908 pounds (6,259 gross tons), valued at $798,974. Exports in later calendar years have been as follows:

	1918	1919	1920	1921 (9 months).
Quantity .....pounds..	113,508,597	113,871,668	119,725,535	35,376,925
Value	$7,711,195	$6,875,586	$6,445,155	$1,656,892

With this statement and with these matters in the RECORD, and the announcement by the committee or its representatives on the floor that there is a purpose to offer, in lieu of the pending amendment, an amendment providing 25 per cent ad valorem, I shall discontinue further remarks.

Mr. SMOOT. Does the Senator want to offer his amendment to the 35 per cent rate now, or shall I offer my amendment proposing to reduce it to 25 per cent?

Mr. ROBINSON. I think I had better offer my amendment now because that in the parliamentary situation would be the proper procedure. On page 58, in line 5, I move to strike out "35" in the committee amendment and insert in lieu thereof "10," so as to read:

Bands and strips of iron or steel, whether in long or short lengths, not specially provided for, 10 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. SMOOT. Mr. President, on page 58, line 5, I move to amend the committee amendment by striking out "35" and inserting in lieu thereof "25," so it will read "25 per cent ad valorem."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STANLEY. Mr. President, I was prepared to introduce an amendment to paragraph 312 and I was under the impression that the Senator from Arkansas [Mr. ROBINSON] was still discussing that paragraph after the amendment offered by the Senator from North Dakota [Mr. MCCUMBER] had been agreed to. I ask unanimous consent to return to that paragraph.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent to return to paragraph 312 for the purpose of offering an amendment. Is there objection? The Chair hears none, and it is so ordered.

Mr. STANLEY. As I understand, the Senator from North Dakota has already suggested an amendment to this paragraph striking out 30 per cent ad valorem in the case of steel "fabricated for use or otherwise advanced beyond hammering, rolling, or casting."

The PRESIDING OFFICER. The Secretary will state the parliamentary situation with respect to the amendments in paragraph 312.

The ASSISTANT SECRETARY. In line 12 the committee amendment was disagreed to, proposing to strike out "25" and insert "30," leaving 25 as the rate per cent ad valorem; in line 13, the numerals "40" were stricken out and "25" inserted in lieu thereof, leaving the rest of the amendment as it now reads.

Mr. ROBINSON. I myself offered amendments reducing 30 per cent, in the first instance, in line 12, to 10 per cent, and reducing 40 per cent, in line 13, to 15 per cent, and those were both voted down.

Mr. STANLEY. As it now stands it is 25 per cent ad valorem in each case?

Mr. MCCUMBER. That is correct.

Mr. STANLEY. Mr. President, the rescission from the position previously taken by the committee is indicative of a lack of confidence in the duties formerly proposed. This reduction should be infinitely more sweeping than it is.

It has been said that steel is the vertebræ of our industrial life. If there is any part of that steel which is essentially the very backbone of the steel industry it is the steel girder and the steel beam. One-tenth of all the pig iron produced—and we produce more pig iron than all the rest of the world—is converted into girders, I-beams, or other structural shapes. From one-seventh to one-tenth of all the steel made in the United States finds its market ultimately in some form of structural shapes.

The Tariff Commission in its report on structural shapes, says:

Structural shapes vary in size, weight, and form, according to the uses to which they are to be put, but they are broadly classified into heavy and light. Those classified as heavy have a leg or web of 3 inches or over and are used in the construction of buildings, bridges, cars, ships, etc. Light structural shapes have a leg or web less than 3 inches and are used in the manufacture of agricultural implements, bedsteads, fences, safes, automobiles, and other articles requiring light section.

This form of steel meets the eye wherever it is turned—upon a culvert or bridge, at every lofty structure, an agricultural implement of any complexity, and retiring to your bed at night, if it is an iron bed, you find some sort of steel fabricated into a structural shape.

Three million tons of steel are fabricated into these shapes, and there is absolutely no necessity from any point of view for one single solitary cent of protection. We could take off the 30 per cent duty, and that is practically what the committee have proposed, because it does not make any difference whether it is 25 or 30 per cent specific duty, or whether you propose seven-twentieths of a cent per pound, for that is 28 per cent of the cost of production.

A duty of 25 per cent on structural shapes guarantees to the steel corporation, which produces more than 50 per cent of the $60,000,000 worth of structural shapes, the right to extort 25 per cent more from every edifice that is constructed, from every road that is built, from every baby buggy or bed that is made, from every agricultural implement used in tilling the field or harvesting the grain.

The plants of the Old World are small, pitiful, and obsolete compared with the magnificant structures erected in this country for the fabrication of steel from the bloom and the billet. When you have finished steel, when you reach the point where you are making razor blades and knives and roller skates and articles of cutlery and things of that sort, they are made all over the country in little inexpensive establishments. But the concerns which are rolling steel must have from $20,000,000 investment up.

It must be remembered that steel is never touched by a man's hand in a properly operated mill from the time the ore leaves the mine or the range until it comes out complete and is lifted by a bar magnet upon the cars to be shipped to its ultimate destination. The iron comes from the blast furnaces in a great ladle, which is nothing more nor less than a moving car; several tons are dumped into a steel converter in an open-hearth furnace, and is poured from that furnace into a mold five feet high, and a great crane that can lift that mold as lightly as if it were a feather, handling it with absolute accuracy, drops it upon the rolls and then half a dozen men, as the Senator from Alabama [Mr. UNDERWOOD] has said, operate those rolls from their lofty perches near the roof of the building, and direct those mightly cranes and start them in motion, and the bloom is transformed into a plate of whatever shape it is desired and is cut ready for use.

The labor cost in producing a ton of pig iron is 71 cents, according to the authentic figures given by the Tariff Commission. The labor cost in producing a ton of structural shapes is two dollars and a few cents, and the great majority of the laborers who work on that are foreign born and were brought here a few years ago. There is no basis here for the argument you must pay American labor more than you pay the labor of France or England or Germany. Three-fourths of the men who handle the material up to this time, whether they are digging coal or the ore or operating the blast furnaces, with the exception of a few skilled men, are in the main foreign born. Be that as it may, the labor cost is but a fraction of the duty imposed.

Were you to place all structural shapes on the free list, the Senator from Utah or the Senator from North Dakota can not show me one spot in this country where they could establish the business of selling structural shapes outside of the Pacific coast. It would be impossible, unless the difference in the price charged by a monopoly here and by the producer abroad would overcome those handicaps which Mr. Carnegie himself said are prohibitive. It must be remembered that the man who made more structural shapes than any other man in the world was Andrew Carnegie. He started out with a concern that was making a few thousands tons of it, and he multiplied the production 1,000 per cent. If Andrew Carnegie had never stopped making structural shapes, in my opinion, we would have had no World War. There would have been no rivalry between England and Germany for a place in the sun. He would have been the ironmaster of the world.

A few years ago I discussed the necessity for a tariff upon these various structural shapes that are the backbone and vitals

of the industry. I venture the assertion that outside of steel rails there is nothing that enters so essentially into the industrial life of America as do the structural shapes which are covered by paragraph 212. The chairman of the Committee on Interstate Commerce [Mr. CUMMINS] honors me by his attention here this afternoon. He knows that the vital question now is, How can we reduce the rates charged by the railway carriers for the transportation of agricultural products without bankrupting the railroads? The question of economy of railroad construction is involved. The only difference between a steel girder or beam and a steel rail is that, as a rule, the beam or girder has the same flange on the top and bottom, whereas in the rail there is a little difference in the flanges; but the same construction applies. Railroad cars are in the main made from these structural shapes; ships are made from them. Why guarantee to the United States Steel Corporation the right to charge 25 per cent more than a foreign competitor would charge who can not enter the American market anywhere except, perhaps, on the Pacific coast?

I desire to read into the record some of the testimony of Mr. Carnegie, given January 11, 1912, when he testified here in the city of Washington on this subject, as appears on page 2446 of the hearings before the committee investigating the Steel Corporation. He had referred to the fact that at one time he had advocated a duty on steel. Mr. STERLING asked Mr. Carnegie:

The day of infancy has passed with the steel industry in this country, has it not?

Mr. CARNEGIE. Long ago.

Mr. STERLING. What do you think about it now?

Mr. CARNEGIE. Was I not before you in Congress two years ago, and did I not tell you that you need not have any duty on steel?

Mr. STERLING. I believe you did.

Mr. CARNEGIE. And I wish to confirm it. A gentleman on the New York Times—Mr. Smith, ex-president of the Chamber of Commerce of New York—a personal friend, when I had said to President McKinley when he went up to make his reciprocity speech at Buffalo, came out, saying, "I wish to corroborate what Mr. Carnegie has said." I was present and heard him tell President McKinley that there was no need for a tariff on steel.

I have never appeared before Congress without urging reductions. It was $28, and got down to $4—

He is speaking about rails now—

and there is no more use of keeping that $4 a ton on in the tariff than that you should protect your grain.

Mr. GARDNER. Are you speaking of steel rails entirely?

Mr. CARNEGIE. That is what he asked me about—steel rails.

Mr. GARDNER. I think he asked you a little more, generally, than that.

Mr. STERLING. Would you say the same thing with reference to all steel manufactures?

Mr. CARNEGIE. Yes; with reference to all steel manufactures, unless, unknown to me, for instance, there might be such a case as needles. I do not know whether we make any needles yet in this country. Do you?

Mr. STERLING. I do not.

Mr. CARNEGIE. Do you know, Judge?

Mr. REED, Sr. No.

Mr. CARNEGIE. It is a great business. If the men came to me and I was in Congress as you are, and said: "We want to go into making needles in America, and none are made now, and we need a tariff"; and if I looked into it and satisfied myself that they did, I would consider it statesmanship to give those men protection in the infancy of that manufacture.

Mr. STERLING. Are we manufacturing heavy steel, steel rails, and other steel, as cheaply now as they do in Germany?

Mr. CARNEGIE. I think so; except for a small concern in Germany that has a small deposit of ore that justifies two little furnaces only being built. That is very often quoted in connection with the statement that Germany can make steel so cheap. But the product is so small that it is a negligible quantity.

I believe if you had free trade for steel of all kinds throughout this Republic the amount imported would be trifling.

Mr. STERLING. We are paying higher wages, are we not, for steel workers than they do in Germany?

Mr. CARNEGIE. Higher per man; but the product per man is another thing.

You can not compare the machinery that we have for steel and the machinery that older countries have. They have not the market for the steel that justifies these enormous mills.

Mr. REED. Is Judge Sterling asking about Mr. Carnegie's knowledge of conditions when he left the steel business, or about the conditions of to-day?

Mr. STERLING. I am asking about the conditions now, at the present time. That is the way I put my question.

Mr. GARDNER. He testified that he did not know in regard to the last 10 years. I am giving you my opinion, remember, Judge.

Mr. WATSON of Georgia. Mr. President——

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

Mr. STANLEY. Certainly.

Mr. WATSON of Georgia. The Senator from Kentucky no doubt remembers that when they were building the Manchurian railway American steel companies underbid England and Germany for the rail contract and furnished steel rails for those Manchurian railways.

Mr. STANLEY. Mr. President, Canada imposes a preferential in favor of Great Britain of 27 per cent on structural shapes and a general tariff of 42½ per cent, yet the Jones-Laughlin Co. testified that they overcame that differential and sold at a profit in Canada and are doing it right now. We can lay steel rails down in England cheaper than they can produce them there; we can put structural shapes in London cheaper than they can be produced at home.

It must be remembered that when it comes to talking about the labor costs in the iron and steel and coal business it is mere moonshine. We pay 40 per cent more to a coal miner in the United States than a miner receives in Wales, but the output of the American coal miner is 300 per cent as great as that of the Welsh miner. To-day we are producing coal at $1.50 a ton less than it is being produced at Cardiff, in Wales, at starvation wages. We are digging ore cheaper than it is dug anywhere in the world; we are producing coal cheaper than it can be produced anywhere in the world; we can produce pig iron cheaper in Pittsburgh than it can be produced anywhere in the world. Julian, the greatest expert on the production of blast furnaces that civilization ever saw, who is to his business what Edison is to electricity, who built the Lucy furnace for Carnegie, who built the great furnaces at Gary, Ind., and who has built furnaces in Great Britain and India, has said that OSCAR UNDERWOOD's people in Birmingham, Ala., could produce pig iron $3 cheaper than they can produce it even in Pittsburgh.

Mr. WATSON of Georgia. They have a monopoly of the open-hearth process, as I understand.

Mr. STANLEY. Exactly. Now, to get down to structural shapes. Mr. STERLING asked Mr. Carnegie—

Do you think we could compete in structural iron and steel now with foreign countries without a tariff?

Mr. CARNEGIE. I do; I do.

The CHAIRMAN. I would like to have you amplify that statement, Mr. Carnegie. Why should not the Germans ship structural iron and steel here to build skyscrapers in Chicago and New York and Washington?

Mr. CARNEGIE. Because the United States Steel Co. would not let them.

Gentlemen, let me say one word about a protective tariff: It does not put the foreigner on the same basis as it does the native when the duty is removed. We are a community here.

If you want to build a house, Mr. Chairman, on Fifth Avenue, and you need steel beams, and you are living in New York, you want to buy them from your neighbors, do you not? Because some day your neighbor will be wanting something that you are interested in.

The CHAIRMAN. When I build my palace on Fifth Avenue, I am going to get a steel home.

Mr. CARNEGIE. Then, besides, you are patriotic. I never knew an American who was not, and I do not know what I would not do to an American that was not patriotic, with such a grand country as this, the land of triumphant democracy.

Then this very practical man, who had made and sold more structural shapes than any other man since Adam, goes on to tell of the disadvantage under which the foreign manufacturer labors in selling structural steel shapes in the American market:

Gentlemen, the foreigner who supplies this market must have an agency in New York and pay commissions. He must pay freight rates to the seaboard. He must pay freight rates inland. But, mark you, you give an order for steel, and you want to be mighty sure that the steel will be delivered, and if there is a mistake in the specifications and a lot of bars are wrong and do not fit and your edifice is delayed—you do not want to run that risk. If you are a wise man, you will get your steel from Charlie Schwab, at Bethlehem.

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Mr. CARNEGIE. Then to do any effective business the foreigner must have a big yard here, with all the sizes that he can deliver for a prompt job—everything that is wanted.

Gentlemen, the difficulties, the disadvantages of buying foreign material to use in this country, positively none of you can grasp. You have to experience them to fully understand them.

Therefore we have a tariff against foreign steel, even if there was no rate of duty imposed. The foreigner labors under severe disadvantages, and you need have no fear on that score.

Take this from me: Don't you be alarmed. The foreigner will not send steel to this country.

Reference has been made here to some imports of steel amounting to a few hundred thousand dollars coming into this country. As bearing upon that question I desire to quote the following from Mr. Carnegie's testimony:

Mr. STERLING. Is it not true that the foreign manufacturer has controlled the iron and steel market on the Pacific coast, and is doing so now largely?

Mr. CARNEGIE. Let me show how you come into a different atmosphere there.

Mr. STERLING. That is true, is it not?

Mr. CARNEGIE. Well, yes. I think the Pacific coast is entitled to get foreign steel in there. You have 3,000 miles, you might say, in round numbers, 2,500 miles even from Pittsburgh, 2,000 from Chicago, and very high rail freights, and there your purchaser in San Francisco is at the same disadvantage, so far as American products are concerned, as is the eastern purchaser or the purchaser in other portions of the country away from the Pacific coast if he purchases from Britain, because he is far away from the source of supplies and mistakes can not be rectified, and so on.

Ships going away from San Francisco are loaded with produce, etc., but they come over here empty, and they are willing to take steel at excessively low rates. I think that no manufacturer on the Atlantic seaboard should deny the Pacific seaboard access to material that they need for building there.

But let us assume for the sake of the argument, Mr. President, that it is the policy of this country not only to equalize the cost of production at home and abroad but to equalize the cost of transportation, too, and to say that if any foreigner can ship to San Francisco a ton of steel for less than the manufacturer in Pittsburgh can send it 3,000 miles, then every other market in the United States must be artificially boosted until that manufacturer can charge in New York, and in New Orleans, and in Chicago, and in Louisville, and in Memphis a sufficient profit to enable him to pay a 2,500-mile rate and sell at a profit in San Francisco. What is the fact? How much is coming in at San Francisco? One-half of all the structural shapes that come into the United States come into the port of San Francisco, less than 7,000 tons; and if the chairman wants my figures I have them here and will put them in the record—less than 7,000 tons. As compared with our production of these vital things that make beds, and houses, and farming implements, and roads, and bridges, and warehouses, and ships, and cars, less than 1 per cent comes in. Less than $800,000 worth is the most that has ever come in during the last 10 years in any one year, and our exports amount to from 10 to 15 per cent of our entire production. In 1918 more than $23,000,000 worth were shipped abroad; and while we are building cars and erecting bridges and structures in Canada, in Quebec, in Rio de Janeiro, in Buenos Aires, around the world, while we are shipping to Canada and to Japan, while great merchantmen loaded with our steel products are landing them in the Land of the Midnight Sun at less than they get for them here at home, you say, in the face of such testimony as that: "If the Steel Corporation want to have their profits insured, we will guarantee them that no competition shall come in from abroad without paying 25 per cent on the value of the product to do it."

I am amazed, utterly amazed, at the brazen, callous unconcern that is exhibited. "Whom the gods would destroy, they first make mad." Do you think that the intelligent purchaser in this country is asleep, or dumb, or stupid? Do you dream that the purchaser of $60,000,000 worth of structural shapes will never know what you have done to him? There is a demand for economy.

Railroads are attempting to get the advantage of a cheaper market. The makers of these same structural shapes, I will say to the chairman of the committee, took this Government by the throat when it fought yonder at Verdun and at Sedan for its life, and your War Department secured a modification of the law by which they could secure competition and buy structural shapes for the construction of the works on the Panama Canal and for the construction of their ships. But yesterday the Senator from Wisconsin [Mr. LA FOLLETTE] introduced here a resolution to investigate the legality of another titanic combine that designed to share the enormous earnings of this concern. To-day the cost of producing these same structural shapes, according to your own figures, prepared by your own Tariff Commission, is about $25 a ton, taking one year with another. They are selling this stuff at over $30 a ton. They are making now from 20 to 30 per cent, and you guarantee them 25 more. "Walk blindfold on; behind thee stalks the headsman!"

There is nothing in all the ingenuity of the fallacy of protection; there was never a sophism invented to defend or to extenuate the despicable policy that applies to this schedule. The cost of production is admittedly lower here than abroad. We are producing structural shapes from $2 to $5 a ton cheaper than they are produced at this hour in Belgium or Germany or Great Britain, or anywhere else on the reeling earth.

You say you want to protect American labor, when American labor has as little to do with it as the single man driving one of these tractors with 10 plows behind it has to do with the labor cost of fallowing a field. I defy the chairman of this committee, with all his expert knowledge, to go through the thousands of pages in these reports and show me one industry to-day between Cape May and the Golden Gate where human labor is represented by as little cost as in the production of pig iron and semifinished steel.

The labor cost of producing a ton of pig iron, according to your own figures, is 71 cents; and do you know what happens in this great furnace? From the time the ore was dug on the Mesaba Range until it finds its gleaming, molten way into a great ladle it costs 71 cents a ton. When that ladle is full, an operative, as the Senator from Alabama has well said, touches a button, and a steam locomotive, with perhaps 20 cars spilling the gleaming, spitting stuff, roars into a great mill, and these cars are automatically dumped into open-hearth furnaces holding many tons, and there they boil and seethe like a caldron; and then that furnace is tapped and it is poured into another mold, and in that mold it cools until it has the consistency of pitch, and it is lifted white hot onto a set of rolls, and when it comes out it is structural shapes; and maybe a dozen men have had charge of it—an operation of an hour or two, a few cents of human labor, and 3,000 per cent added to its value! The labor cost is negligible.

They have not the same kind of machinery in the Old World. They are not comparable. There is no question of equalizing labor costs; no question of cost of production; no question of dumping. All the cartels of Germany can not dump a ton of structural shapes in the United States unless the Steel Corporation is willing to have it done. More than that, you can not sell structural shapes like you sell cotton or corn or wheat. You produce your wheat, and anybody can sell wheat. It sells itself. You sell it in the open market of the world.

We produce tobacco. We sell it in the open market of the world. We produce corn. It is sold in the open market of the world. You can not sell structural shapes in that way. Those shapes are sold, as the Senator from Alabama knows, before they are made, as a rule. They are sold on contract. They must be of a certain tensile strength, of certain dimensions, and then they go to jobbers who are controlled by the great corporations, who are part of the great corporations, like a great lumber yard, and these contractors contract with this jobber for so many girders of such a length.

Why, the other day I went down here to Ironton, Ohio, to the dedication of a bridge spanning the Ohio River that cost nearly $1,000,000; and every piece of iron or steel in that bridge was sold before the white-hot metal ever left the furnace. Every piece came there ticketed and numbered, a few carloads at a time; and when they finished the structure of that bridge you could carry off in a wheelbarrow everything that was left. The same thing is true of your buildings here. What fool, what driveling industrial ass, would construct a great depot or hotel or bridge and expect to convert specifications in the metric system into feet and inches and to supply his orders from Antwerp or Brussels or London?

I ask the chairman of this committee or any other champions of a protected Steel Trust, of a subsidized monopoly that is now under indictment for being a monopoly and in combination with the Brick Trust and the Cement Trust as well, to show me where one great single structure has ever been built in the last 10 years between the North Woods and the Gulf of Mexico out of imported steel. There is no excuse for it, except that the people that you love, and who love you, and who make 50 per cent or more of this stuff—the richest, the greatest monopoly that the world ever saw or ever will see, with two billions and over of wealth—have said, "We want our pound of flesh; we want to maintain our schedules; we want this guaranty of immunity from any possible competition"; and docilely, unquestioningly, and stupidly you will give it.

Mr. President, I wish to offer an amendment providing for one one-thousandth of 1 cent a ton on these various articles in place of 25 per cent ad valorem.

Mr. McCUMBER. I do not understand that there is any agreement to reconsider this section at the present time. We passed some time ago the section about which the Senator has been talking, and have passed another paragraph since then.

Mr. STANLEY. The Senator agreed to return to it, I understand.

Mr. McCUMBER. The Senator said he would return to it, and the Senator has returned to it.

Mr. ROBINSON. I suggest to the Senator from North Dakota that he permit a vote to be taken upon the amendment of the Senator from Kentucky.

Mr. McCUMBER. If the Senator will ask that the vote by which the amendment was agreed to may be reconsidered, so that he may offer an amendment, I will gladly consent.

The PRESIDING OFFICER. As to which amendment does the Senator desire the vote reconsidered?

Mr. STANLEY. I offer this amendment, in place of seven-twentieths of 1 cent a pound, to insert one one-thousandths of 1 cent a pound.

The PRESIDING OFFICER. That is an amendment to the text of the bill, and under the unanimous-consent agreement it will not be in order until the Senate committee amendments are completed.

Mr. ROBINSON. I call the attention of the Senator from Kentucky to the fact that, as I think I suggested in my remarks, the provision is not now subject to amendment under the rule under which we are operating.

Mr. STANLEY. I can not offer an amendment?

Mr. ROBINSON. The Senator can not offer an amendment at this time. After the committee amendments have been disposed of the Senator's amendment would be in order.

Mr. STANLEY. I understood Senators had been offering amendments to lower the rates in the bill.

Mr. McCUMBER. Only affecting committee amendments.

Mr. CUMMINS. Let me understand. When the time comes to offer an amendment on the floor, I expect to have some to offer to this schedule; but the duty of seven-twentieths of a cent per pound has not been changed by the committee, as I understand it, and there is no committee amendment pending.

Mr. McCUMBER. There is not.

Mr. CUMMINS. Therefore that could not be dealt with at this time?

Mr. ROBINSON. Not until all the committee amendments have been disposed of.

Mr. CUMMINS. Precisely. I wanted to keep the matter in order.

Mr. FLETCHER. I call the Senator's attention to the fact that it is in order to amend in line 12, where 30 per cent is provided for, so as to make that whatever he likes, and, in line 13, to change "40 per cent" to whatever he likes.

Mr. STANLEY. I thank the Senator. I will then offer an amendment——

The PRESIDING OFFICER. Those amendments have already been agreed to. Has the Senator asked that the vote by which they were agreed to be reconsidered?

Mr. STANLEY. I ask that the vote by which the last-mentioned amendment was agreed to be reconsidered.

Mr. SMOOT. I want to say to the Senator that his discussion had nothing whatever to do with the articles the rates on which he is now undertaking to amend.

Mr. STANLEY. I am talking about paragraph 312.

Mr. SMOOT. But the ad valorem rates, which have already been agreed to and reduced, have nothing whatever to do with the structural shapes of iron or steel.

Mr. STANLEY. Wherever there is a hole in them, wheresoever they are fabricated in any way, this new rate would apply.

Mr. SMOOT. The Senator does not think the foreigner would put a hole in them and pay a higher rate?

Mr. STANLEY. No; but the producer would cut a hole in them and get a better rate.

Mr. SMOOT. But whenever the hole is in it there is a higher rate, and no fool would put a hole in it and have to pay a higher rate.

Mr. STANLEY. I want to stop the fool from putting a hole in it and getting a better rate.

Mr. SMOOT. That is not the question. That story of people putting holes in these things was exploded in 1909.

Mr. McCUMBER. Allow me to suggest to the Senator from Kentucky that the amendment he wants to make would apply to the other portion of that paragraph, and it seems to me that inasmuch as that will come up again, he had better defer his amendment until general amendments are in order.

Mr. STANLEY. I am perfectly willing to defer it until it can be offered, but I wished to get a vote on it at this time if possible.

Mr. FLETCHER. Let me ask the Senator if he does not want to reduce the duty on this fabricated product?

Mr. ROBINSON. I offered an amendment myself reducing that.

Mr. SMOOT. And that has been voted on.

Mr. McCUMBER. I will say to the Senator from Florida that the Senator from Arkansas offered two amendments there, and they were voted on.

Mr. FLETCHER. I remember that, but I did not know that the Senator from Kentucky proposed to make the rate still less.

Mr. McCUMBER. I assume that the Senator from Arkansas made it as low as he thought it ought to be.

Mr. ROBINSON. The amendments I offered would not have made the rates as low as I thought they should be.

Mr. McCUMBER. Mr. President, the Senator from Kentucky has several times sent his defy across the aisle to the Senator from North Dakota, and I want to say to the Senator just now that that probably will be accepted some time later. I stated to the Senator from Alabama a short time ago that I did not desire to cross a bridge until I came to it, and I will say to the Senator from Kentucky that I do not wish to go back to a bridge which I have already crossed, especially as I am certain that in the cycle of events I shall get back to that bridge anyway, when I shall discuss that part of it.

The next amendment of the committee was, in paragraph 315, page 58, line 17, after the word "valued," to insert the word "at," so as to read "valued at over 4 cents per pound, sixtenths of 1 cent per pound."

The amendment was agreed to.

Mr. FLETCHER. Have we disposed of the amendment on page 58, line 5?

The PRESIDING OFFICER. That amendment has been disposed of.

Mr. ROBINSON. Mr. President, before proceeding to paragraph 315, I wish to make a brief statement respecting paragraph 314. No committee amendment to that paragraph is proposed, and therefore no amendment reducing the rate on cotton ties would be in order at this time. However, as the question will undoubtedly arise hereafter in connection with an amendment when the same is in order, I want to put into the RECORD a very brief statement relative to this subject.

The production of cotton ties, which are now on the free list, in the United States is limited to 6 plants—4 in Pennsylvania, 1 in Georgia, and 1 in Alabama. The total output of these factories is between 2,000,000 and 3,000,000 bundles annually, each bundle weighing 45 pounds, making, upon the maximum product, 135,000,000 pounds.

Under the rate imposed in the bill, line 11, page 58, there would be approximately $405,000 added to the cost of the producers of cotton in marketing the same by reason of the tax on ties if this provision prevails, and the amount of the tariff should be reflected in the price of the ties.

The imports, as appears from page 403, are almost negligible. I ask leave to insert in the RECORD a paragraph relating to imports found on page 402 of the Compilation of Surveys made by the Tariff Commission, and also the paragraph relating to exports, which shows that the exports considerably exceed imports of this commodity.

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

Imports of hoop or band iron, etc., in 1915 were 1,416,538 pounds, valued at $22,552. Later statistics follow:

Calendar year	Quantity.	Value.
	Pounds.	
1920	131,370	$5,952
1921 (9 months)	1,055,365	32,883

Exports are irregular; they depend almost entirely upon the cotton crop and English competition. It is roughly estimated that in recent years they have ranged somewhat over 1,500,000 pounds annually.

Important changes in classification: Hoop or band iron or steel used for baling cotton or any other commodity has been transferred from the free list of the act of 1913 (par. 509).

Mr. FLETCHER. Mr. President, before passing by these various paragraphs, I wish to read a copy of a letter which was written by the Cleveland Twist Drill Co., of Cleveland, Ohio, with reference to the duties in schedule 3 as affecting high-speed drill steel. In that letter the writer states:

CLEVELAND, OHIO, *April 18, 1922.*

Mr. JAMES L. BRUFF,
Counsel the Drill & Reamer Society,
116–120 West Thirty-second Street, New York City.

DEAR MR. BRUFF: There has just come to hand a copy of the Fordney tariff bill as reported to the Senate with the McCumber amendments. In this amended bill as now before the Senate we note that the duties on tungsten, tungsten products, and steels containing tungsten have been increased considerably as compared with the duties in the original bill. There has also been a slight increase in the "basket" clause, which we assume is the one that covers small tools, i. e., drills, reamers, taps, milling cutters, etc.

In "Schedule 3, metals and manufactures of," the bill, as reported to the Senate, provides in paragraph 304 that steels valued above 16 cents a pound pay an ad valorem duty of 25 per cent. In paragraph 305, on all steel containing more than 0.6 of 1 per cent of tungsten an additional 10 per cent ad valorem is levied, and also an additional cumulative duty of 72 cents a pound on the tungsten content in excess of 0.6 of 1 per cent. In paragraph 393, which is the "basket" clause, articles composed wholly or chiefly of iron, steel, etc., are assessed a duty of 40 per cent ad valorem.

Assuming "high-speed" drill steel to have a foreign value of 50 cents a pound and to contain 18.6 per cent of tungsten, we calculate the duty, under the Senate bill, on this steel as follows:

Under paragraph 304, 25 per cent of 50 cents equals	$0.125
Under paragraph 305, 10 per cent of 50 cents equals	.05
Under paragraph 305, 18 per cent of 72 cents equals	.1396
Total	.3146

This duty is equivalent to 62.9 per cent of the foreign values, and is more than one and one-half times the duty on "high-speed" drills under the "basket" clause.

The high-speed steel manufacturing interests will undoubtedly take advantage of the high duties on their products to raise the price of high-speed steel to their customers. Foreign small tools similar to what we manufacture will pay a duty less than two-thirds the duty on the raw steel itself. These tools, which can be made in Germany and England by labor receiving a lower scale of wages than American labor, thus enjoy a double advantage over American-made tools: that is, they have an advantage in a lower labor cost to convert the steel into tools, and also a lower import duty on the tools themselves when compared to the steel from which they are made.

In the past we have always purchased "high-speed" steel from American makers and are not now looking for foreign sources of supply to the detriment of American steel producers. However, we believe that a tariff which places higher duties on tungsten and tungsten steels than on finished tools containing tungsten will injure the producers of these products as well as the industries which use materials containing tungsten. Foreign manufacturers can buy tungsten from Burma and China without paying the 60 cents a pound plus 25 per cent ad valorem duty demanded by this bill. They can make this tungsten into low-cost steel and convert this steel into "high-speed" tools which will have a relatively low value. These low-priced tools, when sold in the American market, will deprive American steel makers of just that much of their market for the steels which they manufacture.

In normal times the Cleveland Twist Drill Co. employs over 1,200 workmen, of which about one-quarter produce tools for export. By reason of the slump in foreign exchange we have lost practically all of our export trade. With the recent improvement in foreign exchanges we are regaining this export business. However, if the cost of our raw material will be raised by means of this tariff until it is much higher than the price which foreign manufacturers must pay for their steels, we can not hope to recapture our old export business and again give employment to our workmen who made tools for export.

We feel that the economic unsoundness of a high "raw-material" duty versus a low "finished-product" duty should be pointed out to those who will be responsible for safeguarding the livelihood of American workmen in the basic and highly technical industries of tool production. "High-speed" tools made of tungsten are essential to the low-cost production of iron and steel products of every description. Every increase in the cost of "high-speed" tools will be reflected in increases in the articles which are produced by their means. Unreasonably high duties on the basic raw materials entering into the production of "high-speed" tools therefore add to the handicap which American machinery and equipment will have to carry in the struggle for foreign trade.

Yours very truly,

THE CLEVELAND TWIST DRILL CO.,
L. B. WEBSTER, *Assistant to President.*

I want to refer to another letter, written to me by the Poldi Steel Corporation of America, in which they say:

As American citizens we protest vigorously against the destruction of our business, particularly in view of the fact that our Government will not benefit from the standpoint of revenue, but, indeed, will lose the substantial revenue now obtaining.

The first letter refers to paragraphs 301 and 305. This letter refers to all the paragraphs, 304 to 316, inclusive. I am reading it now because we are dealing with paragraph 315. I have not referred to these matters before because they would not have affected the vote as to any of these amendments in any case, but they ought to appear in the RECORD as throwing light on this whole situation.

The letter to which I now refer, dated August 18, 1921, I ask to have inserted in the RECORD.

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

NEW YORK, N. Y., *August 18, 1921.*

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

DEAR SIR: Annexed to this letter you will find a pamphlet submitted by the "American Importers of Fine Steels," which association includes practically all of the American concerns engaged in the business of importing "fine steels" from Europe.

The pamphlet treats the subject in a liberal business way. Details are available to substantiate all claims set forth.

We do not believe it to be the intention of Congress to impose a barrier to the importation of "fine steels" to the extent that such importation will be eliminated and consumers of "fine steels" in this country left to the mercy of domestic manufacturers and a monopoly thereby created.

As American citizens we protest vigorously against the destruction of our business, particularly in view of the fact that our Government will not benefit from the standpoint of revenue, but, indeed, will lose the substantial revenue now obtaining.

The "American Importers of Fine Steels" has applied for a hearing before the Senate Finance Committee, and at this hearing will be prepared to substantiate the following claims made by us:

1. That with the passage of the proposed Fordney bill with respect to the tariff on "fine steels" (secs. 304–316), a substantial revenue now accruing to our Government will be cut off.

2. That the small quantity of "fine steels" now imported into this country (2 per cent of the total consumption here) can not be considered competitive, as the imported "fine steels" do not undersell similar grades of American steels because the imported product commands higher prices, due to their quality; therefore it can not be claimed that American industry is threatened, hence the proposed increased duty will only result in the creation of a monopoly which will have the American purchaser at its mercy.

3. That the proposed duty, in addition to causing loss of revenue and creating a monopoly, will invite retaliation from foreign Governments whose citizens export "fine steels" into this market. This power of retaliation is far more serious than ever before, inasmuch as the war has taught foreign countries to use substitutes for our products. These substitutes they will undoubtedly resort to if the necessity occasions.

Surely an industry where 98 per cent of the consumption is manufactured domestically, and which has been developed in this country for more than 40 years, can not be seriously interfered with by foreign imports to the extent of 2 per cent.

A monopoly that the proposed duty confers upon the American manufacturer will force the consumer to pay higher prices and thereby disappoint a public who looks to the present administration to restore "normalcy."

We urge upon you that we have overproduction in almost every line of manufacture; that an outlet must be found for our surplus, and that the few things which we can import go only a small way toward paying for our exports; that the unemployment, doubt, distress, and anxiety which are present in America are surpassed by the rest of the world. This condition is reflected by our fast disappearing foreign trade, which automatically drags down with it our internal commerce, leaving in its wake idleness and discontent in our body politic.

Yours very truly,

POLDI STEEL CORPORATION OF AMERICA,
JOHN B. SMILEY, *President.*

The next amendment of the Committee on Finance was, in paragraph 315, page 58, line 20, after the words "shall be," to strike out "classed" and to insert "classified," so as to make the proviso read:

Provided, That all round iron or steel rods smaller than twenty one-hundredths of 1 inch in diameter shall be classified and dutiable as wire.

Mr. ROBINSON. Mr. President, I have no objection to this amendment, but inasmuch as the Finance Committee has not proposed an amendment to the paragraph and for that reason amendments from the floor are not now in order, I wish to discuss briefly the subject of the paragraph, namely, wire rods. This has a great variety of uses, including horseshoe nails, which are now on the free list. Imports have grown very much smaller since the beginning of the war and are practically negligible now. In 1913, when I think the imports were higher than at any other time, there were 17,000 tons imported and during the same year 74,000 tons exported. While I think the rate should be very materially reduced, no amendment can be offered at this time. Further discussion will therefore be reserved until the parliamentary status permits the offering of amendments from the floor.

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

The amendment was agreed to.

The READING CLERK. The next amendment of the committee is in paragraph 316, page 59, round iron or steel wire, in line 22, where the committee proposes to strike out "20" and insert "35," so that it will read "35 per centum ad valorem."

Mr. McCUMBER. Mr. President, the Senator from Missouri [Mr. SPENCER] and the Senator from Pennsylvania [Mr. PEPPER] are both interested in this paragraph and both are absent from the Chamber. I think the Senator from Pennsylvania is absent from the city. Therefore I will ask that the paragraph be passed over.

Mr. ROBINSON. If the Senator will ask that it be passed over for the day I shall make no objection.

Mr. McCUMBER. I ask that the paragraph be passed over for the day.

Mr. ROBINSON. I will, however, offer an amendment and have it pending.

Mr. SMOOT. I will say to the Senator that in order to conform to the amendments which we have passed, the committee no doubt will make some changes from these rates.

Mr. ROBINSON. Very well. I move to amend, on page 59, in line 22, by striking out "35" and inserting "15," so it will read "15 per centum ad valorem." However, I have no disposition to ask for action on the amendment to the committee amendment now, in view of the request just made by the Senator from North Dakota.

The PRESIDING OFFICER. Does the Senator from North Dakota ask that the paragraph go over or merely the amendment?

Mr. McCUMBER. The entire paragraph.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

Paragraph 317 was read, as follows:

PAR. 317. All galvanized wire not specially provided for, not larger than twenty one-hundredths and not smaller than eight one-hundredths of 1 inch in diameter, of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than twenty one-hundredths and not smaller than eight one-hundredths of 1 inch in diameter; and all wire commonly used for baling hay or other commodities, one-half of 1 cent per pound.

Mr. ROBINSON. With respect to the paragraph 317, no amendments, it appears, have been proposed by the Finance Committee, and therefore amendments to the paragraph or the rates carried in it are not in order. I wish, however, to submit for the RECORD, in view of the fact that subsequently amendments will be proposed when they are in order, a short statement.

This paragraph includes wire commonly used for fencing and for baling hay. The production is set forth in the volume submitted as a condensation of the surveys of the Tariff Commission at page 411, as follows:

The country's output of woven-wire fencing and poultry netting, plain and coated, in 1919 amounted to 312,150 tons, valued at $30,527,000. In 1914 the corresponding figures were 411,460 tons, and $19,795,800.

I ask leave to insert in the RECORD the paragraph on page 411 of the volume referred to, relating to exports and imports.

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

Imports: Imports of wire included in this paragraph have been, since 1917, by calendar years, as follows:

	1918	1919	1920	1921 (9 months).
Galvanized wire:				
Quantity ..... pounds..	63,645	392,526	392,978	500
Value.....	$4,839	$17,989	$23,222	$31
Galvanized-wire fencing:				
Quantity ..... pounds..	62,657	78,733	140,095	7,200
Value.....	$3,368	$3,366	$6,865	$510
Baling wire:				
Quantity ..... pounds..	3,050	85,175	421,849	13,790
Value.....	$185	$5,069	$25,532	$1,022

Exports: Exports of woven-wire fencing since 1917 by calendar years have been as follows: 1918, $1,036,730; 1919, $933,143; 1920, $903,272; 1921 (9 months), $451,823. The principal destinations of this exported material were Cuba, Canada, Mexico, Argentina, and New Zealand.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The READING CLERK. On page 61, paragraph 318, woven-wire cloth——

Mr. SMOOT. Mr. President, this paragraph relates to woven-wire cloth. I ask that it may go over until action is had upon the other wire paragraph, which was referred to just a moment ago. Then I ask, at the request of the Senator from North Dakota [Mr. MCCUMBER], that we proceed to the consideration of paragraph 327, on page 63.

Mr. ROBINSON. I shall make no objection to paragraph 318 going over for the day, with the other wire paragraph, namely, paragraph 316.

Mr. SMOOT. That is satisfactory.

The PRESIDING OFFICER. The Senator from Utah asks that paragraph 327 be taken up. The amendment in that paragraph will be stated.

The READING CLERK. On page 63, in line 15, the committee proposes to strike out "or" and insert in lieu thereof the word "and."

The amendment was agreed to.

The next amendment of the committee was, in line 16, to strike out "10" and insert in lieu thereof "20," so as to make the paragraph read:

PAR. 327. Cast-iron pipe of every description, cast-iron andirons, plates, stove plates, sadirons, tailors' irons, hatters' irons, but not including electric irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, or parts thereof, or finished machine parts; castings of malleable iron not specially provided for; cast hollow ware, coated, glazed, or tinned, but not including enameled ware and hollow ware containing electrical elements, 20 per cent ad valorem.

Mr. FLETCHER. Mr. President, with regard to this paragraph and the proposal of the committee to make the duty 20 per cent ad valorem, increasing it from 10 per cent, the rate in the bill as it originally came from the House, I desire to submit a few facts.

The duty under the act of 1913 was 10 per cent ad valorem. It is now proposed to make it 20 per cent ad valorem; in other words, just twice the duty as it now exists and twice the figure proposed in the House bill. Of course, the House bill, as we understand, was based upon the American valuation.

These articles include a variety of familiar commodities made of cast iron, castings of malleable iron, and cast hollow ware, coated, glazed, or tinned. Malleable cast iron is a crude form of wrought iron obtained by decarbonization. The castings are made in the ordinary way from low silicon iron with little phosphorus and sulphur. They are embedded in oxide of iron or peroxide of manganese and heated to a red heat until most of the carbon is removed from the surface.

The production in this country of the cast-iron pipes, including fittings, is stated to be as follows: In 1913, 1,266,245 net tons; in 1916, 1,215,433 tons; in 1918, 619,673 tons; in 1920, 886,515 tons.

Imports: During the fiscal year 1918 the imports of iron castings amounted to 3,324,002 pounds, or 1,662 short tons, valued at $181,258. More than one-half of this imported material consisted of cast-iron plates, stove plates and irons, sadirons, tailors' irons, hatters' irons and castings, and vessels wholly of cast iron. Only a little over 10 per cent consisted of cast-iron pipe and about 25 per cent of malleable-iron castings, n. s. p. f.

The latest statistics show that as to cast-iron pipe there were imported in 1918, 269,364 pounds, of a value of $5,074. The duty was 10 per cent, yielding a revenue of $507. In 1919 the imports were 164,945 pounds, valued at $6,225, and the amount of revenue yielded was $623. In 1920 the imports were 670,224 pounds, valued at $41,074, yielding a revenue of $4,107. In 1921, for nine months, the imports were 27,294 pounds, valued at $2,052.

Cast-iron andirons, plates, stove plates, and so forth, yielded a larger revenue and the importations were greater in value. In 1918 they were $103,309; in 1919, $147,607; in 1920, $225,863; and for the nine months of 1921, $61,719. The duty on these items is 10 per cent under the present law.

Iron or cast-iron plates, chiseled, drilled, and so forth, show the following importations: In 1918 there were importations amounting in value to $24,844; 1919, $4,307; 1920, $13,147; and in 1921, $860; all with a duty of 10 per cent.

On cast-iron hollow ware, coated, glazed, or tinned, the statistics show importations almost negligible. In 1918 they were of a value of $461 and the duty was $46. In 1919 the value was $425, and for 1920 the value was $15,066, and in 1921 for nine months was $1,702.

In castings of malleable iron the importations were larger. In 1918 the total value of the importations was $71,235; in 1919, $107,163; in 1920, $658,331; and for nine months of 1921 were $186,416. These imports all bore a duty under the act of 1913 of 10 per cent.

The exports, a large proportion of which is in the form of cast-iron pipe and fittings, are much greater than imports. Statistics for the calendar years 1918 to 1921 are as follows:

	1918	1919	1920	1921 (9 months).
Cast-iron pipe fittings:				
Quantity..... pounds..	125,352,066	88,379,704	153,254,227	96,080,663
Value.....	$6,665,597	$5,177,752	$9,753,446	$5,617,832
Iron and steel castings, n. e. s..	$4,535,553	$4,508,044	$6,810,511	$3,414,253

At present we are exporting of this cast-iron pipe and fittings between $8,000,000 and $10,000,000 worth annually, and we are importing less than $50,000 worth. The duty at present is 10 per cent. It is proposed to make it 20 per cent. The result of that will be to shut out all imports, it seems to me. It is doubling the duty, and in that case we lose all the revenue. Here is an industry which evidently is not in any sore need of protection, because the importations amount practically to nothing now.

For that reason I can see no justification for the proposed increase. I think the act of 1913 was liberal enough and will afford all the revenue that we can expect from importations under this paragraph, and that if we increase the duty to 20 per cent we shall reduce revenues because we shall close out importations.

There is certainly no need of protection. The exportations as to all of the items embodied in this paragraph exceeded many times the importations; in fact, the importations do not amount to 10 per cent of the exportations, and do not amount to 2 per cent of the production. There is consequently nothing to be accomplished here except to give an opportunity to increase the price of this product to the public.

Therefore, without further comment on the matter, I simply submit that the committee amendment should be disagreed to and that the provision of the House bill for a 10 per cent ad valorem duty, which is the same as that of the act of 1913, should stand.

Mr. SMOOT. Mr. President, just a word for the RECORD. This is what may be termed the basket clause of this schedule. The House imposed a duty at 10 per cent on the American valuation and the Senate Finance Committee recommended a duty of 20 per cent on the foreign valuation.

The last clause of the paragraph, as to "cast hollow ware, coated, glazed, or tinned, but not including enameled ware and hollow ware containing electrical elements," amounts to hardly anything at all.

Malleable iron is the item of importance in this paragraph. Let me advise the Senator from Florida where malleable iron goes and who uses it, and see if he will not admit that so far as the 20 per cent duty is concerned it will come into this country anyway. Then why not collect the money which will be derived from the article as revenue?

The Tariff Commission says:

Cast iron imports are apparently not influenced to any appreciable extent by the tariff. Imports of malleable-iron castings increased from 810,305 pounds in 1908, valued at 5.31 cents a pound and dutiable at an average ad valorem rate of 17.55 per cent, to 1,873,047 pounds in 1913, valued at 4.2 cents per pound and dutiable at 16.62 per cent ad valorem. In the calendar year 1919 imports declined to 1,319,233 pounds, valued at 8.1 cents a pound, dutiable at 10 per cent ad valorem. The largest imports were 6,696,068 pounds during 1920. Imports of cast-iron plates, stove plates, and castings and vessels wholly of iron decreased from 2,304,999 pounds in 1909, with an average ad valorem rate of 10.83 per cent, to 830,984 pounds in the calendar year 1921, dutiable at 10 per cent.

Now:

Steel castings, the principal substitute, are included with ingots in the figures of commerce and navigation and are not comparable.

Imports of malleable-iron castings are relatively important. These are specialties used in automotive and other industries requiring material to resist strain and shock. The demand for such commodities has grown rapidly, and imports about equal exports. Imports are small compared with domestic production.

That is why malleable-iron castings are shipped into this country. I do not see, Mr. President, why we should not collect from them the duty proposed. That is the only item in this paragraph that amounts to anything, and the committee thought that it was just to impose a duty of 20 per cent.

The PRESIDING OFFICER. The question is on the committee amendment.

The amendment was agreed to.

The next amendment was, in paragraph 328, on page 63, line 19, before the word "stays," to strike out "and" and to insert "or," so as to read:

PAR. 328. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays, not thinner than sixty-five one-thousandths of an inch, if not less than three-eighths of an inch in diameter, three-fourths of 1 cent per pound; if less than three-eighths and not less than one-fourth of an inch in diameter, 1¼ cents per pound; if less than one-fourth of an inch in diameter, 1¾ cents per pound.

The amendment was agreed to.

The next amendment was, on page 64, line 4, after the word "tubes," to strike out the word "and" and to insert "or."

The amendment was agreed to.

The next amendment was, on page 64, line 7, before the words "per cent," to strike out "20" and to insert "30," so as to read:

Provided, That no tubes, pipes, flues, or stays made of charcoal iron shall pay a less rate of duty than 1¼ cents per pound; cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty; welded cylindrical furnaces, tubes or flues made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure, and all other finished or unfinished iron or steel tubes not specially provided for, 30 per cent ad valorem.

Mr. FLETCHER. Mr. President, I do not think the increased rate provided for in that amendment should be agreed to. In paragraph 328 it will be seen that the duties are fixed at so much a pound, but I am unable to determine—and I have had the matter looked into to some extent—and the experts to whom I have had access can not determine, just what the equivalent ad valorem duty would amount to.

Mr. SMOOT. The items which fall under this clause which have a 30 per cent ad valorem rate are such articles as the containers for chemicals, chemical flasks, and items such as that.

Mr. FLETCHER. I was referring more particularly to the tubes, pipes, flues, and stays, and so forth, on which the duties range from three-fourths cent to 1¾ cents a pound.

Mr. SMOOT. There is no committee amendment to those rates.

Mr. FLETCHER. There is no amendment to those rates, but I should like to learn, if I can, about what the ad valorem equivalent would be, if the Senator can advise me as to that by way of information. Of course, I can offer an amendment as to those rates; but it will be seen that a large portion of the paragraph provides for specific duties, and I am not able to figure out just what the ad valorem equivalents would be. Can the Senator from Utah tell me what the average ad valorem equivalent would be?

Mr. SMOOT. In this paragraph the Payne law rates are reduced a quarter of a cent a pound. I will advise the Senator now as to the equivalent ad valorem rates under the Payne-Aldrich law. In 1910 the equivalent ad valorem rate would be 16.81 per cent; in 1911, 19.84 per cent; in 1912, 23.14 per cent; in 1914, 20.40 per cent. Assuming the prices to be the same, the duty now proposed being three-fourths of a cent a pound, which is a quarter of a cent a pound less than the Payne-Aldrich rate, the equivalent ad valorems under the pending bill would be 25 per cent less. In 1910 the equivalent ad valorem being 16.81 per cent, under the proposed rate 4.20 per cent would be deducted from 16.81 per cent, which would leave 12.61 per cent. If the price is higher, of course, the equivalent ad valorem would be even less than that. So the Senator can see that the equivalent ad valorem rate as provided for in the specific duties is very low.

Mr. FLETCHER. As I gather, under the Underwood Act of 1913, if the calculations were made on the basis of the average imports of the value of 1914, for instance, the duty would be about 20 per cent, and under the Payne-Aldrich bill of 1909 about 31½ per cent.

Mr. SMOOT. If the Senator speaks of the first part of paragraph 328, there is no 30 per cent rate therein imposed. I have given the Senator the equivalent ad valorems. Even under existing law the duty is 20 per cent; so that the proposed specific duty on "lap-welded, butt-welded, seamed, jointed iron or steel tubes, pipes," and so forth, is even less than the rate to-day.

Mr. FLETCHER. I will read facts regarding these articles as furnished by the Summary of Tariff Information. They are described as follows:

Description: This paragraph covers pipes, tubes, cylinders, tanks, etc., made of iron and steel, excepting cast-iron pipes. While cast-iron pipes are cast in molds and the center is cored out, welded pipes are made from narrow plates of steel or wrought iron called skelp, which is rolled into shape and the edges welded together. When the edges simply come together the welding is called butt welding, and when they overlap, lap welding. Riveted pipe, ordinarily made only in large sizes, is frequently formed in spirals of sheet iron or steel or by simply curling the sheet so as to make a horizontal joint, the overlapping edges, in either case, being riveted together.

Production: The domestic output of wrought iron and steel pipe and boiler tubes in 1916 amounted to 2,651,058 gross tons and in 1920 to 3,002,725 gross tons. In 1914 there were 36 establishments engaged in the manufacture of wrought-iron pipe alone, with an aggregate capital of $39,407,625, employing 8,745 wage earners, whose output was valued at $37,655,229. In 1919 there were 51 establishments, with an output valued at $84,011,000. Other great iron and steel producing countries, like Great Britain and Germany, also have a large output.

Those figures show the growth of the industry under the present rate of duty, which is 20 per cent. The rate which is now proposed is 30 per cent throughout the paragraph.

Mr. SMOOT. No; the 30 per cent rate does not apply to the whole paragraph. It applies only to—

cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty; welded cylindrical furnaces, tubes or flues made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure, and all other finished or unfinished iron or steel tubes not specially provided for.

On the other items the duties are specific. I have called the attention of the Senator to what the equivalent ad valorem was in 1910, 1911, 1912, and 1913, when the specific rate was one-fourth of a cent higher than is provided in this paragraph.

Mr. FLETCHER. What was the ad valorem equivalent given by the Senator for those years?

Mr. SMOOT. I will tell the Senator again. On articles not less than three-fourths inch in diameter, except those made of charcoal iron, in 1910 the equivalent ad valorem was 16.81 per cent; in 1911, 19.84 per cent; in 1912, 23.14 per cent; in 1914, 29.40 per cent.

The proposed specific duty of three-fourths of a cent a pound is less than the rate in 1910, which was 1 cent a pound. The equivalent ad valorem in 1910 being 16.81 per cent and the proposed duty being three-fourths of a cent, or 25 per cent less than the duty of 1 cent; and deducting 25 per cent from 16.81—and 25 per cent of 16.81 per cent would be 4.20 per cent—would leave 12.61 per cent as the ad valorem equivalent under the proposed rate, providing the prices in 1910 and to-day are the same. Of course, if the prices to-day are higher than they were then, the equivalent ad valorem would be less.

Mr. FLETCHER. We are not now dealing with these specific duties, because they are not before us.

Mr. SMOOT. That is what I stated to the Senator; but he asked the question, and I simply answered it.

Mr. FLETCHER. I was trying to get, if I could, a sort of an average of the ad valorem rate of the whole paragraph; but, speaking now with reference to the particular matter before us, which is—

welded cylindrical furnaces, tubes or flues made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure, and all other finished or unfinished iron or steel tubes not specially provided for, 30 per cent ad valorem.

That rate now is 20 per cent under the law of 1913.

Mr. SMOOT. Yes.

Mr. FLETCHER. And it is proposed to make it 30 per cent. The House had it in the bill at 20 per cent, based, I realize, on the American valuation; but the importations of those goods have amounted to very little.

In 1918 we imported 103,474 pounds, valued at $15,237.

In 1919 we imported 92,806 pounds, valued at $17,103.

In 1920 we imported 59,580 pounds, valued at $8,777.

For nine months of 1921 we imported only 6,793 pounds, valued at $2,035.

The imports are insignificant compared with production and exports.

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that there is no way of telling what the production of these items is, and the imports are mostly quicksilver flasks. The flasks that we import here under this provision are imported here for the holding of quicksilver, and that is the great bulk of the importations.

Mr. FLETCHER. I was reading from only that portion of the statistics which refers to "furnaces, welded, cylindrical," and so forth, which would be the part of the bill which we are now considering, I think; but even taking the whole paragraph, the

statement is made by the people who prepared this Summary of Tariff Information under the head of "Imports":

Imports are insignificant compared with production and exports.

That is made with reference to the whole paragraph, all the items mentioned, and I do not see that there can be any criticism of that.

Exports in the form of boiler tubes have been since 1917 as follows:

Then it gives the exports of pipe fittings, and so forth.

Mr. President, I simply feel about this particular item as I did about the other, that there is no occasion to increase this duty above the present rate, which is yielding some revenue—not very much, because the importations are very slight. The exportations are considerable and the production is entirely satisfactory. The number of establishments has increased, and the production has increased under the present rates of duty. The industry is prosperous. We are getting a little revenue and it seems to me that if you double this duty now you are going to cut off the revenue that we have.

Mr. SMOOT. I think the Senator is wrong. If he will look at the importation there under "Tanks or vessels, cylindrical or tubular," and so forth, he will see that they were $535,156 in 1920 and $162,054 in the first nine months of 1921. Most of the latter are quicksilver flasks. The price of the flasks themselves is $1 each, and the duty is 10 cents. Each of those flasks holds $50 worth of quicksilver, and those flasks are imported in greater number than they are made in this country, and the value of importations, with the exception of about $1,716 in the year 1921, consisted of quicksilver flasks.

Mr. FLETCHER. Does not what the Senator is talking about come under the 1¼-cent duty?

Mr. SMOOT. If the Senator will read on page 64, line 2, "cylindrical and tubular tanks or vessels for holding gas, liquids, or other material," and then if he will look at the imports, there is where the imports fall, under that very part of the paragraph, with the exception of the amount I have stated.

Mr. FLETCHER. I think that is true. There is a larger amount of imports under that head than under the others, probably.

Mr. SMOOT. Oh, yes; it is 10 times more than all the others put together.

Mr. FLETCHER. How about the exports of that class of goods?

Mr. SMOOT. Of course, the exports are all put in here with lap-welded pipe, and they run into the millions of dollars.

Mr. FLETCHER. Yes; that is true. The whole thing is together there, and I am unable to separate the imports of the particular kind of article to which the Senator refers; but the exports under this whole paragraph are very considerable, amounting in 1918 to $14,993,957; in 1919 to $35,229,750; in 1920 to $43,774,296; and in nine months of 1921 to $44,889,023. Those are very considerable exports, as compared even to the imports of every item under the paragraph.

Mr. SMOOT. Yes; but that is pipe and fittings. I suppose 99½ or 99¾ per cent of that is pipe and fittings.

Mr. FLETCHER. Undoubtedly a large portion of it is of that kind; but I think, Mr. President, that the present rate of duty is high enough for all purposes and will yield us very much more revenue than this proposed increase would yield, and that our production and the state of the industry, which has flourished under the present rate, do not require that it should be raised at all.

I have no amendment to offer. The question will come on the adoption of the committee amendment.

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

The amendment was agreed to.

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

The READING CLERK. On page 64, line 13, after the words "electrical conductors," it is proposed to strike out "25" and insert "35," so as to read:

flexible metal tubing or hose, whether covered with wire or other material, including any appliances or attachments affixed thereto, not specially provided for, and rigid iron or steel tubes or pipes prepared and lined or coated in any manner suitable for use as conduits for electrical conductors, 35 per cent ad valorem.

Mr. FLETCHER. Mr. President, all I have to say on that amendment is covered in what I have already stated.

Mr. SMOOT. It is just a differential of 5 per cent on this over the rate that we have just adopted.

Mr. FLETCHER. I see. I simply ask for a vote on the amendment.

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

The amendment was agreed to.

The READING CLERK. On page 64, in paragraph 329, it is proposed to strike out of lines 21 and 22 the following words:

chain and chains of all kinds, of iron or steel, not specially provided for, 25 per cent ad valorem.

Mr. SMOOT. Mr. President, I ask that paragraph 329 go over until the Senator from Pennsylvania [Mr. PEPPER] returns. He was compelled to leave the city to-day.

The VICE PRESIDENT. Without objection, the paragraph will be passed over.

The READING CLERK. On page 65, line 12, it is proposed to strike out "30" and insert "40," so as to make the paragraph read:

PAR. 330. Nuts, nut blanks, and washers, of wrought iron or steel, six-tenths of 1 cent per pound; bolts, with or without threads or nuts, and bolt blanks, of iron or steel, 1 cent per pound; spiral nut locks, and lock washers, of iron or steel, 40 per cent ad valorem.

Mr. FLETCHER. Mr. President, I can not agree to that amendment. We are now dealing with paragraph 330, and the House bill carries a provision for 30 per cent ad valorem. The committee proposes to make that 40 per cent.

Mr. SMOOT. I want to say to the Senator that that 40 per cent, however, applies only to spiral-nut locks and lock washers of iron or steel. The duties on the nuts and nut blanks and washers are all specific duties; but when it comes to spiral-nut locks or lock washers of iron or steel, the prices vary so greatly that it would be impossible to put a specific duty upon those special items, and, therefore, we have to give them an ad valorem duty. Being of the highest type of manufacture in some cases, the committee did not think it would be right to have a rate upon that highly specialized article that would be lower than the basket clause of the whole schedule, and therefore they put it at 40 per cent.

Mr. FLETCHER. What does the Senator estimate would be the specific rates reduced to ad valorem equivalents?

Mr. SMOOT. That would be an absolute impossibility to tell, because the prices are so varied. That is why it is an ad valorem duty. If it were possible to put a specific duty on it, we would have done it; but it was impossible.

Mr. FLETCHER. Under the present law, the duty on nuts, nut blanks, and washers is 5 per cent ad valorem; on bolts of iron or steel, with or without threads or nuts, or bolt blanks, 10 per cent ad valorem; on spiral-nut locks and lock washers, whether of iron or steel, 30 per cent ad valorem.

Mr. SMOOT. Even the Underwood bill gave them 30 per cent duty.

Mr. FLETCHER. Yes; that I understand.

Mr. SMOOT. All that we are doing in this paragraph is to give them the basket-clause rate.

Mr. FLETCHER. In the case of the first part of the paragraph, nuts or nut blanks, under the Underwood law there was only a 5 per cent ad valorem duty.

Mr. SMOOT. Oh, yes.

Mr. FLETCHER. And this is a specific duty of six-tenths of 1 cent per pound. I do not know what that would be. I should estimate that at about 40 per cent.

Mr. SMOOT. Did the Senator ask me what would be the equivalent ad valorem of these rates?

Mr. FLETCHER. Yes; I asked what this six-tenths of 1 cent would be.

Mr. SMOOT. I will tell the Senator in just a moment. In 1908, under the Payne-Aldrich law, we had 1 cent a pound on nuts and washers. In this we have fixed six-tenths of a cent. In 1908 the equivalent ad valorem was 5.86 per cent. We have only six-tenths of that amount in the specific duty. So it would be less than 5 per cent, providing the prices of the nuts are the same to-day as they were in 1908. If they are higher priced than they were in 1908, then we have even a lower ad valorem than that. In 1909 the equivalent ad valorem was 5.29 per cent. In 1910 it was 6.31 per cent. In 1911 it was 10.76 per cent. In 1912 it was 6 per cent. In 1913 it was 5.44 per cent.

I call the Senator's attention to the fact that the specific rates upon these items are lower than those in the Payne-Aldrich law, and the equivalent ad valorem rates I have already stated to the Senator.

Mr. FLETCHER. It would seem that perhaps those specific rates are very much like the rates in the act of 1913; in other words, 5 per cent and 10 per cent and 30 per cent in the different classifications.

The production in 1914 of bolts, nuts, rivets, and washers was valued at $23,403,000. In addition to that there was builders' hardware which was valued at $24,288,000.

The imports are small compared with the exports, and since 1917 have been as follows:

NUTS, NUT BLANKS, AND WASHERS OF WROUGHT IRON OR STEEL.

Calendar year.	Quantity.	Value.	Duty.	Ad valorem rate.
	Pounds.			*Per cent.*
1918	36,338	$11,512	$576	5
1919	65,399	15,207	760	5
1920	78,924	12,601	630	5
1921 (9 months)	147,734	9,075	.....	.....
BOLTS, WITH OR WITHOUT THREADS OR NUTS, OR BOLT BLANKS, AND FINISHED HINGES OR HINGE BLANKS, ETC.				
1918	110,306	$8,253	$825	10
1919	147,369	17,433	1,743	10
1920	618,444	57,761	5,776	10
1921 (9 months)	310,205	32,194	.....	.....
SPIRAL NUT LOCKS AND LOCK WASHERS.				
1918	200	$18	$5	30
1919	700	28	8	30
1920	1,566	761	228	30
1921 (9 months)	816	219	.....	.....

Exports of bolts, nuts, rivets, and washers have been, since 1917, by calendar years, as follows:

	1918	1919	1920	1921 (9 months).
Quantity.....pounds..	63,465,111	89,023,056	87,235,028	47,974,367
Value	$5,687,998	$7,769,893	$7,274,411	$4,468,912

The principal countries of destination were Canada, the United Kingdom, Cuba, Argentina, Mexico, and British India.

I think that the present rate of duty on these nuts and nut lock washers, 30 per cent, is all that ought to be levied.

Referring to the statistics regarding that particular portion of the paragraph where the 30 per cent ad valorem is named as the duty, the summary says:

The imports of 1918 were 200 pounds, valued at $18, and yielded a duty of $5. In 1919 they were 700 pounds, valued at $28, and yielded $8. In 1920 they were 1,566 pounds, valued at $761, and yielded a duty of $228. In 1921, nine months, there were only 816 pounds imported, yielding a duty of $219.

So that the importations of this particular kind of material, namely, the spiral nut locks and nut washers of iron and steel, are almost inconsequential.

In 1918 they got $5 in duty, in 1919 only $8, in 1920 $228, under a rate of 30 per cent. It is now proposed to increase that to 40 per cent. I ask Senators to think of that just a moment, and be a little reasonable about it. The 30 per cent duty now levied on this commodity yields us from $5 to $200 a year, and that is all. It is proposed to increase that 10 per cent, and what is expected in the way of revenue? The exportations are enormous. The production is enormous. The industry is growing. There is no need of a duty for the sake of an infant industry. The industry does not need any protection. Ten per cent is added simply to make it possible for the producers to charge that much more for the products. I can not see any reason for it at all. If there was any indication that it would produce more revenue, I would say to go ahead and try it; I would not make much complaint about it, although I think it will just enable the manufacturers to increase the price of this article to the consumers in this country. I certainly can not see any hope that the revenues of the Government will be increased, and there is certainly nothing to indicate that the industry needs this increase in the duty. I therefore hope that the committee amendment will not be agreed to.

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

The amendment was agreed to.

Mr. FLETCHER. Will the Senator make any suggestion regarding paragraph 331?

Mr. SMOOT. I will have to ask that 331 go over to-day.

Mr. FLETCHER. How about paragraph 332?

Mr. SMOOT. I will ask that paragraphs 332 and 333 go over also. The Senator from Pennsylvania is deeply interested in this, although I do not quite agree with what he wants, I think he ought to have an opportunity to present his views.

Mr. FLETCHER. I have no particular objection. I am prepared to discuss the paragraphs down to paragraph 336.

Mr. SMOOT. I understand the junior Senator from Arkansas will take paragraph 331 up for consideration on behalf of the minority, and then I would like to take up paragraph 334, on steel wool, 335, on grit, shot, and so forth, and paragraph 336, which the Senator has just mentioned.

Mr. CARAWAY. Was the Senator discussing paragraph 321?

Mr. SMOOT. Yes.

Mr. CARAWAY. Paragraphs 319, 320, and 321 were assigned to me. Have 319 and 320 been disposed of?

Mr. SMOOT. Paragraph 319 has not been disposed of, as I understood that the Senator at the time it was reached was not prepared to take it up, and the Senator from North Carolina asked me if I would not pass it and take up the paragraphs in charge of the Senator from Florida. I understand the Senator from Arkansas has come in and would just as lief take up paragraph 321 at this time as not, although if he is not prepared I shall not ask that.

Mr. CARAWAY. I have no objection to taking up paragraphs 319 and 320.

Mr. SMOOT. The Senator from Connecticut [Mr. McLEAN] is here now, and I desire to have paragraph 321 taken up while he is in the Chamber, although he is generally here. If there is no objection, I ask that paragraph 321 be taken up.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 61, line 25, the committee proposes to strike out "35" and insert in lieu thereof "55," so as to read:

PAR. 321. Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof, whether finished or unfinished, for whatever use intended, 10 cents per pound and 55 per cent ad valorem.

Mr. CARAWAY. Paragraph 321 deals with antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings. There is an increase in duty to 55 per cent ad valorem proposed by the Senate committee. The Senator from Utah will doubtless tell me what the present duty is.

Mr. SMOOT. Thirty-five per cent.

Mr. CARAWAY. And that was the duty adopted by the House.

Mr. SMOOT. No; the House added 10 cents a pound.

Mr. CARAWAY. Now, the Senate committee proposes to leave the 10 cents a pound, but strike out "35 per cent" and insert "55 per cent ad valorem."

This affects very vitally a large and growing industry in this country. All the automobiles and trucks and a great many machines are dependent for their bearings upon antifriction balls or rollers and metal balls, and this tends to increase the cost, as I said, from the prevailing price about 100 per cent or a little bit more.

The present imports are only about 23 per cent of the total number used. About 67 per cent are now manufactured in this country. To show something of the importance of these things, in 1917 there were more than $6,630,000 worth of these accessories manufactured. Possibly now it will be nearly ten times that amount. The total investment in the business in 1913 was $9,000,000, confined to 7 firms, and these 7 firms were located in 5 States.

The consumption in 1912 was $9,759,000 worth, of which the United States produced $6,631,000 worth, or approximately 70 per cent.

The Tariff Information Survey says:

The exports are not specified in the statistics of commerce and navigation.

The imports have constantly sunk, until they fell to $973,100, out of a business that is possibly close to $100,000,000.

This is practically a closed market now. The American manufacturer is producing practically every bit of these accessories consumed here, and this raise of 100 per cent means only that they may charge almost twice as much for the products, as there is no importation worth while. There can be none. The present rate practically excludes importations, and if that be true the only reason for increasing the duty would be to enable the manufacturers to charge the American user practically twice what he now pays for this very necessary accessory, because the foreign producer is not going to interfere with this market with the present rate of duty. When you increase that practically 100 per cent, it means for all practical purposes an embargo.

I am curious to know by what process of reasoning the committee reached this conclusion about one of the very essential elements of one of the very greatest industries in America, one that is no longer a matter of luxury, but is a matter of necessity, because automobiles have ceased to be luxuries and are now necessities. Every farmer has one, and you are fixing to make the farmer pay to the American producer a horizontal rise of

practically 100 per cent on the cost of the articles he is going to use in connection with his automobile; that is, accessories in the way of ball bearings, rollers, and things of that kind. I am curious to know, and would be glad if some one on the other side of the aisle would tell me why this increase is made in the duty. If there is to be no explanation, I wish to move an amendment.

Mr. McLEAN. Mr. President, I think if the Senator had investigated the Reynolds report he would have found the rate more than justified. It is shown that there is very active competition. The disinterested experts who were assigned to secure information with regard to the articles were able to find the foreign values on nearly all of the articles produced in this country. If the Senator had read the report he would have seen, for instance, the foreign valuation of the first item was $4.44 per 1,000 in the foreign countries and $9.60 in this country. The next item is $4.44 abroad and $14.40 in this country, and so on through the list.

Mr. CARAWAY. If the Senator from Connecticut will permit me, I notice on page 35 of the little pamphlet furnished by the Tariff Survey there are two or three paragraphs relating to the matter, from which it appears that formerly these articles as imported were very much superior to those manufactured in this country, and while the price was practically the same, as I gather from other statements, the quality was better than the domestic quality. But the statement says that war conditions resulted in a complete change and that the European product is not now any better than the American product. The price seems to have been as high as the American product, and the only reason that heretofore importations came in rather large amounts was that the European product was the best. Now, conceding that it is no better, and under the present tariff duty of 35 per cent the American is going to control the market—and the European imports have fallen off constantly—it seems to me unreasonable now that you should propose a horizontal increase of 100 per cent.

Mr. McLEAN. This is not a large increase in the rate. If we can place any reliance upon the information secured and printed in the Reynolds report, these rates are justified and more, too.

Mr. CARAWAY. What is the difference in the price of the European product and the American product now?

Mr. McLEAN. I just gave it to the Senator.

Mr. CARAWAY. I did not understand the Senator.

Mr. McLEAN. On the first item stated in the Reynolds report the foreign price is $4.40 per thousand and the American price $9.60. On the next item the foreign price is $4.44 and the American price $14.40. If the Senator will read the long list of the different varieties of these antifriction balls contained in the Reynolds report, he will see that, as I stated, the rates are entirely justified if we wish to equalize the difference in the cost.

Mr. CARAWAY. Is it true that there has been a great increase in the cost of manufacturing in Europe recently?

Mr. McLEAN. On the contrary, I think the latest report from the Department of Commerce shows that wages are certainly no more and in some instances are less now than they were when the report was made.

Mr. CARAWAY. What is the latest report the Senator has before him from the Department of Commerce touching the cost of production in Europe and here?

Mr. McLEAN. It is very recent. It was the last week in March.

Mr. CARAWAY. There has been a very great increase in wages in Germany, from whence most of the importations came.

Mr. McLEAN. I do not agree to that. I think the wages in Germany to-day have not increased, if measured in gold.

Mr. CARAWAY. What are the imports now? Does the Senator have any recent data?

Mr. McLEAN. I will call the attention of the Senator to a communication that I have from one of the concerns which manufacture this product in America. It is signed by the president of the Rand Steel Co., of New York, large importers, and the writer says:

The writer is very sorry to have missed both your Mr. Heim and Mr. Roth when recently in your city. I am, therefore, writing you on the subject which I was going to take up with you personally in regard to ball-bearing tubing and steel balls.

You will recall the writer's name from prior to the war, when he was the exclusive representative of the Krefeld Steel Works Co., of Krefeld, Germany.

The above company has been formed for the importation of ball-bearing tubing, steel balls, precision tubing, and other European products. Mr. W. A. Steinback, for many years general manager of the Eisman Magneto Co., of Brooklyn, N. Y., is president of the company.

We are the exclusive representatives in this country for the Siegen-Solinger Gusstahl-Aktien-Verein, Solingen, Germany, largest manufacturers of ball-bearing steel in bars and tubes, and the Fries & Hoepflinger Steel Ball Factories, of Schweinfurt, Germany.

You will note from this that the writer is intimately acquainted with the requirements of the domestic manufacturers of ball bearings. We can, therefore, speak with some authority on the subject of ball-bearing steel, and especially on tubes, which you use in large quantities.

It will be of interest to you to know that the Siegen-Solinger factory installed during the war a large tube equipment, and is now, with no exception, the best equipped plant for the manufacture of ball-bearing tubing.

Then he goes on to state the character of the work which is done there, and how superior it is, which I will not take the time to read. He closes by saying:

We can quote you under the present tariff about 20 cents per pound f. o. b. New York, duty paid.

That is very much less than the price which was secured by the Reynolds investigation.

Mr. CARAWAY. What does it cost to manufacture them in this country?

Mr. McLEAN. I have a very complete brief on this subject, which was submitted by——

Mr. CARAWAY. Yes; but will the Senator give me the cost of manufacture per pound in this country?

Mr. McLEAN. It probably varies somewhat, of course, with regard to the quality and the size of the ball.

Mr. CARAWAY. There are just three kinds—the light, medium, and heavy.

Mr. McLEAN. I will say to the Senator that the labor cost in these articles is very high. As the Senator knows, they are highly specialized in the process of manufacture, and the labor cost runs from 75 to 80 per cent.

Mr. CARAWAY. What do they cost per pound? That is what I want to know. What does it cost per pound to turn them out?

Mr. McLEAN. That is stated in the Reynolds report. The selling price of the American article is given, and if the Senator will deduct about 20 or 25 per cent from that price he will probably get the cost.

Mr. CARAWAY. Will the Senator tell me about what the cost is, because there was so much conversation going on in the Chamber that I could not hear what he said? I want the cost per pound.

Mr. McLEAN. They are, of course, sold in numbers and sizes which differ, and so they differ in cost per pound. If the Senator will turn to the Reynolds report and pick out any particular size and deduct 20 or 25 per cent he will probably get the cost.

Mr. CARAWAY. The Senator has the Reynolds report before him, and I have not the report before me. Will the Senator tell me?

Mr. McLEAN. Take the first one; the American selling price is $14.40.

Mr. CARAWAY. Per what?

Mr. McLEAN. Per thousand. There are 12½ pounds to the thousand. According to the foreign valuation of $4.44 that would be about 37½ cents per pound, and the American would be 80 cents per pound. On the next item the foreign would be the same, 37½ cents per pound, and the American $1.20 per pound.

Mr. CARAWAY. Even with those figures, is not the Senator proposing a prohibitive duty here?

Mr. McLEAN. I do not hear the Senator.

Mr. CARAWAY. Even granting that figure is correct—and the Reynolds report is nearly a year old—does not the Senator think the duty proposed is prohibitive?

Mr. McLEAN. Not at all. It does not begin to cover the conversion cost if these estimates are correct, because the Senator must bear in mind that the article requires highly skilled mechanics and the compensation in this country is $5 per day, while in Germany it is not more than 80 or 90 cents per day.

Mr. CARAWAY. Going back to the cost which the Senator gave per pound, we have now a specific duty of 10 cents per pound and the committee proposes an ad valorem duty of 55 per cent, and if you take those two you have a prohibitive duty.

Mr. McLEAN. The Senator, I think, has not made his estimate with much accuracy, because if he would add 10 cents to 37½ cents he would get 47½ cents. Then figuring the ad valorem duty on that basis it would not have been equal to the figure he stated.

Mr. CARAWAY. But on the $1.20 American price it is more than 40 cents.

Mr. McLEAN. But that would not equal the difference.

Mr. CARAWAY. I did not hear the Senator's figures, but I shall study them with some interest, because I was not able to follow him. Under the present rate of 35 per cent, importations have fallen off until they are practically negligible, and yet it is proposed now to give a specific duty of 10 cents per pound and an ad valorem duty of 55 per cent, which simply means a practical embargo. The industry has been thriving

and expanding. Under a 35 per cent ad valorem duty it has been able to develop from a very small beginning in 1910, when it was a collapsed business and one firm owned it all. It has all grown up under this lower duty until now it amounts to one of the biggest industries of the country. Only a very small per cent of the ball bearings and rollers used in this country are imported under the present duty. Yet the committee proposes now to more than double that rate with an ad valorem and specific duty as well, which could have but one effect, and that is to give to the home manufacturer a protected market with a horizontal rise of nearly 100 per cent in cost of the articles to the consumer.

Mr. McLEAN. Oh, no; it is nearer an increase of 40 per cent, I think, than 100 per cent. If the Senator from Arkansas has read the summary of information furnished by the Tariff Commission he will see that the imports of this commodity are not negligible. In 1920 there were considerably over a million dollars' worth imported, but the imports have fallen off somewhat during the last nine months. However, the letter which I have read to the Senator indicated very clearly, if this importer's statement is correct—and I think we may assume that it is—that the potential competition in Germany is ruinous because the Germans offer these articles of the highest quality at 20 cents a pound. If the Senator from Arkansas will read the briefs filed by the competing firms in this country—and there are 15 such concerns in this country, located in Connecticut, New York, New Jersey, Ohio, and Illinois—he will find that the competition is very active. The Senator knows that an importation of 5 or 10 per cent at the price indicated would demoralize the trade in this country.

I will say to the Senator that my information is—and I know it is true with regard to Connecticut concerns—that they are working on very short time; that they have a large quantity of goods stored up for which there is no market. When they write to their customers to find out why they are not receiving their usual orders, their customers reply that they are getting these offers from abroad. If the Senator from Arkansas had a pay roll of a thousand dollars a week or 10 times that amount, he would understand what that competition means. All that they have asked will fall short of equalizing the difference in the labor costs, provided the Reynolds report is accurate. When we do not have information from the Reynolds report, we are accused of not having sufficient outside information to support the rate proposed, and when we have a complete statement made by these investigators, then, apparently, the Senators on the other side of the Chamber neglect to examine them.

Mr. CARAWAY. I am not intentionally neglecting to examine the statements, but I have in my hand here the Summary of Tariff Information, the figures in which are as late as those in the Reynolds report. In 1921, for nine months of that year, the total imports of this commodity were only $9,638, although evidently many millions of dollars' worth of the product are being consumed; so that there are practically no imports; they will not amount to 10 per cent under the present duty of 35 per cent ad valorem. The imports for 1921—which is the latest information given—did not amount to 1 per cent of the value of the article used. Then to impose a duty which represents practically a 100 per cent horizontal increase can mean nothing else, if it is the policy of the party in power to make that condition prevail, than to provide a zone of safety to the home industry to enable it to increase to the home consumer by 100 per cent the cost of this very necessary accessory. It means that every farmer and every business man, in fact, everybody, must, in order to benefit a few manufacturers, go into his pocket for 100 per cent increase in the cost of this necessity.

Mr. President, I move that the duty of 35 per cent, as provided in the bill as it came from the other House, be retained, and that the specific duty of 10 per cent be stricken out.

Mr. McLEAN. I desire to call the attention of the Senator from Arkansas to the fact that the importations of these articles during the past three months are increasing. That is the information I have.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas [Mr. CARAWAY] to the amendment of the committee will be stated.

The READING CLERK. On page 61, line 24, it is proposed to strike out "10 cents per pound," and in the committee amendment to strike out "55" and to insert "35."

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

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the committee amendment.

The amendment was agreed to.

Mr. SMOOT. I ask that the Senate now take up paragraph 334.

The VICE PRESIDENT. The Secretary will report the amendment of the Committee on Finance in paragraph 334.

The amendment of the Committee on Finance was, on page 66, line 13, after the words "ad valorem," to strike out "*Provided*, That in computing the duty the weight and value of the package shall be included and the net weight of the contents shall be plainly marked upon each package," so as to make the paragraph read:

PAR. 334. Steel wool, 10 cents per pound; steel shavings, 5 cents per pound; and in addition thereto, on all of the foregoing, 30 per cent ad valorem.

Mr. FLETCHER. I desire to inquire of the Senator from Utah what the effect of striking out the proviso will be? I judge that it will really amount to an increase in the rate if the proviso be stricken out.

Mr. SMOOT. No. Striking out the proviso will have the effect of decreasing the rate. The bill as it comes from the House contains the following proviso:

Provided, That in computing the duty the weight and value of the package shall be included and the net weight of the contents shall be plainly marked upon each package.

In other words, under the bill as it passed the House a duty of 10 cents a pound would also be levied on the weight of the package itself.

Mr. FLETCHER. The proviso eliminates the duty on the package?

Mr. SMOOT. Yes; that is proposed to be eliminated, and it ought to be eliminated.

Mr. FLETCHER. The effect of that will be to decrease the number of pounds.

Mr. SMOOT. Yes; and to decrease the duty.

Mr. FLETCHER. I think the duty as carried by the paragraph is excessive. Of course, I realize we can not reach that now. The only matter to which we can give attention, so far as action at this time is concerned, is the committee amendment, which I believe helps the bill, and I have no disposition to oppose the adoption of the committee amendment. I think it should be adopted. However, in this connection I may say a word regarding the entire paragraph, for it seems to me it seeks to impose an excessive duty.

Under the act of 1913 steel wool or steel shavings carried a duty of 20 per cent ad valorem. Under the act of 1909 steel wool or steel shavings carried a duty of 40 per cent ad valorem. The pending bill proposes to place a duty of 10 cents a pound on steel wool and 5 cents a pound on steel shavings, and in addition proposes to impose in both instances a duty of 30 per cent ad valorem. In the Summary of Tariff Information it is stated:

Description and use: Steel wool consists of long steel fibers resembling curled hair. The fibers are of triangular cross section and are graded according to fineness from coarse shavings to wool. Steel wool is used as an abrasive and is a substitute for sandpaper and emery cloth or pumice stone, being regarded as superior to them for certain purposes. It is used in shipbuilding, in other building, in factories, and in the household.

Production: No accurate figures of production are available. In 1917 the yearly consumption was estimated at between 1,000,000 and 1,500,000 pounds, which (imports being cut off) virtually represented domestic production. Germany and Switzerland are also producers.

With respect to imports it is said:

During the war very little steel wool was imported. In 1913 imports were 41,436 pounds, valued at $5,177, and in 1914, 27,113 pounds, valued at $3,698.

Those were the imports under the act of 1913, which carried a duty on steel wool and steel shavings of 20 per cent ad valorem. The pending bill separates the two, classifies steel wool as one item, and imposes a duty on it of 10 cents a pound plus 30 per cent ad valorem, and steel shavings as another item, and provides for a duty of 5 cents a pound plus 30 per cent ad valorem.

Under the duty of 20 per cent ad valorem there were imported only 41,436 pounds in 1913 and in 1914 only 27,113 pounds.

During recent years there have been no importations of steel wool, with the exception of a small amount, valued at $116, which was imported during the first nine months of 1921.

Consequently the levying of this duty will simply greatly increase the duty over that of the present law under which importations are almost negligible. The present law carries a duty of 20 per cent, the Payne-Aldrich law carried a duty of 40 per cent, and now under this paragraph the duty on steel wool would be from 55 to 60 per cent ad valorem, and on shavings it would be about 65 per cent ad valorem. The importations

now under the 20 per cent rate are of no consequence at all. I can not see any sort of justification for the high duties proposed; but, as I have said, that is a matter that will have to be attended to by an amendment when individual amendments are in order. At present I have no objection to agreeing to the committee amendment.

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

The amendment was agreed to.

The next amendment of the Committee on Finance was, in paragraph 335 on page 66, line 18, after the word "form," to insert "three-fourths of," so as to read:

PAR. 335. Grit, shot, and sand of iron or steel, in any form, three-fourths of 1 cent per pound.

Mr. FLETCHER. With reference to that item the description and uses set forth in the Summary of Tariff Information are as follows:

Description and uses: Grit, shot, and iron sand are chilled iron shot made by heating scrap or pig iron to a fluid state and spraying it with steam as it runs into a large vat of water. The grit is used in grinding rough surfaces of granite, marble, and other stones.

Production figures are not available. Before the war domestic consumption was estimated at 3,200 tons. England is an important producer of these abrasives.

Imports of grit, shot, and sand in 1914 amounted to 228,454 pounds. Since 1917 they have been as follows:

Calendar year.	Quantity.	Value.	Duty.	Ad valorem rate.
	Pounds.			*Per cent.*
1918	489,015	$13,389	$4,017	30
1919	1,020,804	17,718	5,315	30
1920	893,804	16,320	4,896	30
1921 (9 months)	192,800	4,774	.....	30

The present rate of duty is 30 per cent ad valorem. Under the act of 1909, the Payne-Aldrich law, the duty was 1 cent per pound. That would be about 75 per cent. It is proposed now to make the duty about 30 per cent. The importations are so slight that it seems to me that that really is an excessive rate of duty. I am not able to state what the production amounts to, but the importations certainly are not very heavy; and I think, as nearly as I can get at it, that the proposal to make the duty three-fourths of 1 cent per pound amounts to about an equivalent ad valorem of 30 per cent. I move that it be reduced to one-fourth of 1 cent instead of three-fourths of 1 cent a pound. I offer that amendment.

Mr. SMOOT. Mr. President, just for the record, the House gave a rate of 1 cent a pound on this commodity, and it was based upon the testimony that was given by Mr. Kann, in which he says:

I saw last week a quantity of this material from Germany, at a factory in Elkton, Md. They bought the very material which costs us $92 a net ton to make at $60 a net ton New York City.

The Senate committee reported a rate of three-fourths of 1 cent instead of 1 cent. The equivalent ad valorem duty would be about 37 per cent on the price at which the article is sold to-day.

The advantage of shipping in grit, shot, and sand of iron or steel is described by Mr. Kann, perhaps as well as I could describe it, in an answer that he gave to the committee:

Mr. GREEN. That is called crushed steel?

Mr. KANN. Yes, sir; crushed grit, crushed steel—chiefly crushed grit—that is, our fine sizes, which we formerly had great difficulty in getting rid of. We have just developed this market, and this particular material is being offered at $60 a ton by Germany.

Grit is made in very fine grit and coarser grit. It is always an advantage to any company if they can get rid of their fine grit. American manufacturers have to make it all sizes—fine, medium, and coarse. Where Germany manufactures it she takes the fine part, that does not cost her nearly as much as the larger-size grit, and she dumps it into this country, and then sells the medium and large size to the rest of the world at a higher price. If they can take the market in America for the fine grit away from the American manufacturer—and this market is the only place where she can sell it at all—then the cost of the medium and the higher grade of grit advances materially, because of the fact that it is almost a by-product, and the only way the American manufacturer can maintain a market at all is to sell all three grades as they are made. He must sell his fine grade in the American market, and the three-fourths of 1 cent will no more than protect him on that.

I will say to the Senator that if it were only the medium grade and the coarse grade, and they could make it all of those grades, and no fine grade with it, there would be no necessity for this rate, and the rate that the Senator proposes would perhaps be sufficient; but if the fine grade is taken away from the manufacturer, and he can not sell it because of the foreign countries importing that which they want to get rid of, then the Senator can see what would happen to the American manufacturer. That is why we asked that three-fourths of a cent be given, and we lowered the House rate 25 per cent.

Mr. Kann also says:

In making up our production we make 12 sizes; 14 sizes, really.

I did not go into each one, because the medium has a certain number, and the coarse a certain number, and the fine a certain number.

There is no way that we can make any particular amount of any one size. In producing shot we blow the molten metal into the air by steam pressure. It then drops into a tank of water and is chilled. We dry, remove this metal, then screen it; we get out these 12 sizes. We make more of the very coarse and the very fine, but we can not make more of the intermediate sizes for which there is the greatest demand. The foreign market uses different sizes than we do. Their offsizes are the sizes that are most in the demand in the United States.

Of course, the Senator can see that if they take the small sizes away from the trade, or, in other words, skim the cream off the American trade, and leave the skim milk here, they can not live on it very long.

Mr. FLETCHER. Can the Senator state what our exports have been? I have no figures on that point.

Mr. SMOOT. I do not think the exports are given. In fact, I do not think they amount to anything, unless it should be just over the border here in Canada.

Mr. FLETCHER. It seems to me that there was a very considerable reduction made in the act of 1913 from the duty under the act of 1909. Under the act of 1909, according to the experts who figured the ad valorem equivalent, that duty amounted to 75 per cent ad valorem. Under the act of 1913 it came down to 30 per cent, and under the 30 per cent duty the industry has prospered. The manufacturer does not seem to need any particular protection beyond what that gives.

Mr. SMOOT. I will say to the Senator that three-fourths of 1 cent, as I said before, amounts to about 37 per cent ad valorem.

Mr. FLETCHER. That is higher than 30 per cent.

Mr. SMOOT. I am aware of that; but the American manufacturer estimates his cost over all grades that may be produced. If you allow the fine grade to come in here, and take that market away from him, then, of course, his cost upon the other articles will be increased. We can not ship our fine stuff to a foreign market and take their market away, but they can send it in here and take our market away on the fine product which they have to make, of which they can not help but make a certain proportion. If it were possible in the process to make only one grade and have all of it an intermediate grade, then, of course, this would be too high a rate; but it is not too high a rate, taking into consideration the conditions of the industry.

I will say to the Senator that there are very few industries of that kind. Generally, in the case of a manufactured product, they can make just what they want to make, and nothing else; but in the case of this product they can not.

Mr. FLETCHER. The Senator's comment and argument prompt me to change my amendment from "one-fourth" to "one-half." I ask to modify the amendment so as to move to change "three-fourths of 1 cent" in line 18 to "one-half of 1 cent."

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The question is on the amendment proposed by the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question reverts to the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The PRINCIPAL LEGISLATIVE CLERK. The next amendment will be found on page 66, line 21, where it is proposed to strike out "25" and insert "35," so as to make the paragraph read:

PAR. 336. Corset clasps, corset steels, and dress steels, whether plain or covered with cotton, silk, or other material, 35 per cent ad valorem.

Mr. FLETCHER. Mr. President, I desire to submit just a few observations regarding that paragraph.

Under the act of 1909, corset clasps, corset steels, and dress steels paid a duty of not less than 35 per cent ad valorem. Under the act of 1913, corset clasps, corset steels, and dress steels paid a duty of 15 per cent ad valorem. The House bill provides for 25 per cent ad valorem, and the committee proposes to change "25" to "35" per cent ad valorem.

A corset clasp consists of two short pieces of flat steel, one having a flat metal eyelet and the other having firmly affixed a small metal post so arranged that the eyelet can be hooked over it. Corset steels and dress steels are short strips of flat steel wire covered with cotton gauze or other material.

Approximately 15 establishments manufacture these products. The large industrial centers of New York, Pennsylvania, Connecticut, and Massachusetts are the important producers.

The imports for the fiscal year 1918 were valued at $17,238; they were over four and one-half times that amount in 1914. Later statistics follow:

In 1918 the value of the imports was $206,389. The duty of 15 per cent yielded a revenue of $30,958.

For the calendar year 1919 the value of the imports was $159,190 and the duty was $23,878.

In 1920 the imports were valued at $809,745 and the duty was $121,462.

In 1921, for the first nine months, the value of the imports was $450,069. There are no recorded exports; but the present rate of duty, as I say, is 15 per cent ad valorem. If this amendment is agreed to, you will see that the duty is more than doubled. It is made 35 per cent ad valorem.

The importations are not such now as would give cause for any apprehension that they are interfering with the industry in this country. We are getting some revenue out of the importations, and it seems to me that to increase the duty to more than double will more than likely reduce importations, if not absolutely prohibit importations.

In that case we would lose the revenue. The industry here is in a flourishing condition under the present law, and I can not see what the effect of this would be except possibly to reduce our revenues and simply enable the manufacturers to raise the prices of this product to the consumers. I will be glad to have the Senator from Utah explain this further, and give some reason for the rate fixed.

I move as an amendment that "35" be changed to "15," so that it would read "15 per cent ad valorem."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida to the committee amendment.

Mr. SMOOT. Mr. President, I call attention to the fact that this is one of the items in this schedule which really needs protection, and I think the Senator from Florida himself will admit it. The imports for the fiscal year 1918 were $17,938. Let us see what has happened and what is happening to this industry. It is only a little industry, small compared with larger industries in the steel business.

In 1919 the value of the imports was $159,190. In 1920, in this small industry, they jumped to $809,745. For the nine months of 1921 they were $450,069.

When the imports in an industry as small as this are over $800,000 in a year, jumping from almost nothing in the pre-war period, with the same rate of duty—because the Payne-Aldrich rate was 35 per cent—there is some reason for it. I think, perhaps, the committee has this rate a little too low to make it possible even for the domestic producers to compete with the foreign producers. We were asked for a higher rate than this, but the committee decided we would not give them any more than they had during the pre-war period, and therefore we kept the rate 35 per cent, and I think the industry is entitled to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the committee amendment.

Mr. FLETCHER. I ask for the yeas and nays.

Mr. BURSUM. Let the question be stated, Mr. President.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida to the amendment of the committee will be read.

The READING CLERK. On page 66, line 21, the Senator from Florida moves to amend the committee amendment by striking out "35" and inserting in lieu thereof "15."

The yeas and nays were ordered, and the principal legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of New Mexico (when his name was called). I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED] and vote "yea." I ask that the same transfer may stand for the day.

Mr. MOSES (when Mr. KEYES's name was called). My colleague [Mr. KEYES] authorized me to state that if present he would vote "nay" on this question.

Mr. PHIPPS (when his name was called). Transferring my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from New Hampshire [Mr. KEYES], I vote "nay."

The roll call was concluded.

Mr. JONES of Washington (after having voted in the negative). I understand the senior Senator from Virginia [Mr. SWANSON] has not voted. I am paired with that Senator for the evening, as he had to be away. I find I can transfer my pair to the senior Senator from Minnesota [Mr. NELSON]. I do so, and let my vote stand.

Mr. LODGE (after having voted in the negative). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Oregon [Mr. STANFIELD] and allow my vote to stand.

Mr. STERLING. I find that my pair has not voted, and I therefore transfer my pair with the senior Senator from South Carolina [Mr. SMITH] to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. CURTIS. I desire to announce that the Senator from Indiana [Mr. NEW] is absent on official business. He is paired with the Senator from Tennessee [Mr. MCKELLAR]. I also desire to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 14, nays 38, as follows:

YEAS—14.

Borah	Harrison	Pittman	Stanley
Caraway	Jones, N. Mex.	Robinson	Walsh, Mass.
Fletcher	La Follette	Sheppard	
Harris	Overman	Simmons	

NAYS—38.

Ball	Hale	McCumber	Phipps
Brandegee	Harreld	McKinley	Shortridge
Bursum	Johnson	McLean	Smoot
Calder	Jones, Wash.	McNary	Sterling
Capper	Kellogg	Moses	Sutherland
Curtis	Kendrick	Newberry	Townsend
Elkins	Ladd	Nicholson	Wadsworth
Ernst	Lenroot	Norbeck	Warren
France	Lodge	Oddie	
Gooding	McCormick	Page	

NOT VOTING—44.

Ashurst	Fernald	New	Spencer
Broussard	Frelinghuysen	Norris	Stanfield
Cameron	Gerry	Owen	Swanson
Colt	Glass	Pepper	Trammell
Crow	Heflin	Poindexter	Underwood
Culberson	Hitchcock	Pomerene	Walsh, Mont.
Cummins	Keyes	Ransdell	Watson, Ga.
Dial	King	Rawson	Watson, Ind.
Dillingham	McKellar	Reed	Weller
du Pont	Myers	Shields	Williams
Edge	Nelson	Smith	Willis

So Mr. FLETCHER's amendment to the committee amendment was rejected.

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

The amendment was agreed to.

CONTINUATION OF LAND OFFICES.

Mr. STERLING. Mr. President, at this time, with the consent of the chairman of the Committee on Finance, I desire to ask unanimous consent for the present consideration of the bill (S. 3425) to continue the land offices at Bellefourche, Timber Lake, and Lemmon, in the State of South Dakota, and for other purposes.

Mr. SIMMONS. What is the purpose of the bill?

Mr. STERLING. It is a bill to continue the land offices at Bellefourche, Timber Lake, and Lemmon, in the State of South Dakota, a Senate bill amended by the Senate Committee on Public Lands and Surveys by adding the land office at the town of Waterville, in the State of Washington.

Mr. SIMMONS. Does the Senator think it will lead to much debate?

Mr. STERLING. I do not think it will, I will say to the Senator from North Carolina.

Mr. SMOOT. I doubt very much whether it will lead to any debate, because the committee intend to report a general bill of like character just as soon as we can. This comes about by

virtue of the abolishment of land offices in certain States where there is not the business necessary to require the office.

Mr. OVERMAN. The matter was before the Committee on Appropriations, as Senators know, and we all agreed that there was a mistake made in the abolishment of many of these offices.

Mr. STERLING. I will say that House Members as well as Senate Members did not know that the effect of the bill would be to abolish many of the offices.

Mr. OVERMAN. There was a mistake made; there is no doubt about it.

Mr. CARAWAY. Mr. President, may I ask the Senator from South Dakota a question? I did not hear him when he read the names of the offices. I am very much interested in the office at Harrison, Ark., which falls well within the proposition.

Mr. SMOOT. That will be covered by the general bill. Instead of taking the matter up piecemeal, the committee intends to report a general bill.

Mr. CARAWAY. Would the Senator object to having Harrison, Ark., included in this bill? May I ask him first whether there was some report of the Harrison, Ark., office before the committee?

Mr. STERLING. I do not know that there was.

Mr. CARAWAY. The Secretary of the Interior told me that he did not think that office ought to have been abolished.

Mr. STERLING. I think the Senator will have an opportunity to take care of that office.

Mr. CARAWAY. Would the Senator object to including that office in this bill?

Mr. STERLING. I shall not object to including it in the bill. There are other Senators who have asked to amend the bill by including other offices, Senators who did not know, as I did not know, of the wholesale elimination of land offices without inquiry and without notice to Senators or Members of the House, either.

Mr. CARAWAY. I did not know of it, and I would be glad to include Harrison, Ark., in the bill.

Mr. STERLING. I shall not object, I will say to the Senator from Arkansas.

Mr. FLETCHER. May I inquire whether the purpose of the bill is to continue certain land offices?

Mr. STERLING. To continue or reinstate land offices that were eliminated by the act making appropriations for the Department of the Interior. These land offices were eliminated, and of course they will go out of existence the 1st of July next; hence the necessity for speedy action in regard to the legislation in order that it may be considered by the House.

Mr. FLETCHER. Will it continue them indefinitely or just for one year?

Mr. BURSUM. Just for one year.

Mr. SMOOT. I want to say to the Senator from South Dakota that I do not believe this will hasten the result one minute. The House intend to pass a general bill. They may pass it before we can present a general bill, and if they do, then, we will pass the House bill. If we pass a general bill before the House, then they will take the Senate bill, but the House will pass a general bill first, I believe.

Mr. STERLING. I think this action probably will hasten the matter. It is an urgent matter in the State of South Dakota. I am primarily interested, of course, in the land offices in that State. It is not absolutely certain that the House will pass the bill.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I agree with him that the bill to which reference has been made came over and none of us knew that a law which we had passed only a few months ago had been entirely changed. We provided that a number of the land offices in North Dakota, South Dakota, Washington, and other States should be consolidated, so that there would be only the one office instead of having both receiver and a register where the business was light, and that we were to have simply a register or receiver and have but the one office. No sooner had we put that bill through and enacted the law and were arranging for appointments, and so forth, than it was ascertained that a bill which came through without the knowledge of anyone had abolished a great many of the land offices. For that reason I agree with the Senator that the change ought to be made immediately, and I consent that the tariff bill, the unfinished business, may be temporarily laid aside for the consideration of the bill which the Senator from South Dakota desires to call up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota for the immediate consideration of the bill (S. 3425).

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Lands and Surveys with an amendment, in section 1, page 1, line 5, after the name "Dakota," to insert "and Waterville, in the State of Washington," so as to make the bill read:

Be it enacted, etc., That the land offices now located, respectively, at Bellefourche, Timber Lake, and Lemmon in the State of South Dakota, and Waterville in the State of Washington, are hereby continued for and during the fiscal year commencing July 1, 1922, and thereafter, in the discretion of the President, as long as the public business at such offices shall warrant: *Provided, however*, That the President may consolidate the offices of register and receiver in any of said offices whenever he may deem it in the public interest.

SEC. 2. That such appropriations as are sufficient to maintain said offices are hereby authorized to be made from time to time as conditions may require.

Mr. PITTMAN. Mr. President, I will ask the Senator if in examining the data he ascertained whether the land office at Elko, Nev., was also eliminated? My recollection is that it was, but I would like to be sure of it.

Mr. STERLING. I do not think so, but I am not sure, I will say to the Senator. I find continued under the bill the following land offices: Eureka, Calif.; Lamar, Colo.; Lewiston, Idaho; Duluth, Minn.; Burns, Oreg.; Seattle, Wash.; and Vancouver, Wash. All those offices were continued under the bill. I suppose it follows that the others not named as continued under the bill are eliminated. I will say this, and I thank Senators sitting near me for calling my attention to it, that if the offices do not meet the requirements of the law as interpreted by the department as to acreage yet to be entered and the receipts of the office, they will be eliminated.

Mr. PITTMAN. I remember the bill now. I did not remember it at the time the matter was first suggested.

Mr. OVERMAN. When the Appropriations Committee had the matter up we had Members of the House and Members of the Senate before the committee, and we came to the conclusion that the land offices in the Senator's State were dropped by mistake. I think nothing was said about the others. The other land offices were wiped out by the appropriation bill. I remember, instead of putting towns in the Senator's State back in that bill, we suggested to him to take care of it in a separate bill. So I think the Senator's bill is all right.

Mr. STERLING. That is what I have sought to do.

Mr. OVERMAN. I have no objection to it. I do not know about the other land offices which were not provided for.

Mr. STERLING. In agreeing not to object to any amendment here which may be offered by other Senators, I take into consideration the circumstances under which the bill is passed, so far as the State of South Dakota is concerned. I think House Members and Senators from the State of South Dakota were similarly treated in not being consulted as to the needs of their States and the need for the office and the needs of the people. They are undoubtedly entitled to have their offices included.

Mr. PITTMAN. I did not know to what bill the Senator from South Dakota referred. I remember the bill now, and I know it does not affect the land offices in Nevada. Of course, I have no objection to the bill. I simply wanted to offer an amendment if the Nevada offices had been affected in any way.

Mr. McCUMBER. In section 1, on page 1, line 5, I move, before the word "are," to insert "Williston, Minot, and Dickinson, in the State of North Dakota."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PHIPPS. I offer the following amendment.

The PRESIDING OFFICER. The Senator from Colorado offers the following amendment, which will be stated.

The ASSISTANT SECRETARY. After the amendment just agreed to insert "Del Norte, in the State of Colorado."

The amendment to the amendment was agreed to.

Mr. BURSUM. I offer the following amendment to be inserted after the amendment just agreed to.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. After the amendment just agreed to insert "Clayton and Fort Sumner, in the State of New Mexico."

The amendment to the amendment was agreed to.

Mr. CARAWAY. There were two offices dropped in my State, Harrison and Camden. I move to insert those.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. After the amendment last agreed to insert:

Harrison and Camden, in the State of Arkansas.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the committee amendment as amended.

The amendment as amended was agreed to.

Mr. PHIPPS. I offer the following amendment covering a different class of offices; that is to say, where the action will be a little different. This is simply to retain one of the officials in place where the offices were not slated to be discontinued.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. At the end of section 1 insert a new section, as follows:

SEC. 2. That the land office now located at Durango, Colo., is also hereby continued for and during said fiscal year, but the provisions of the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes," approved May 25, 1922, shall not apply to the said land office in so far as they relate to the consolidation of the offices of register and receiver of such land office.

So as to make the bill read:

Be it enacted, etc., That the land offices now located, respectively, at Bellefourche, Timber Lake, and Lemmon, in the State of South Dakota; Waterville, in the State of Washington; Williston, Minot, and Dickinson, in the State of North Dakota; Del Norte, in the State of Colorado; Clayton and Fort Sumner, in the State of New Mexico; and Harrison and Camden, in the State of Arkansas, are hereby continued for and during the fiscal year commencing July 1, 1922, and thereafter, in the discretion of the President, as long as the public business at such offices shall warrant: *Provided, however*, That the President may consolidate the offices of register and receiver in any of said offices whenever he may deem it in the public interest.

SEC. 2. That the land office now located at Durango, Colo., is also hereby continued for and during said fiscal year, but the provisions of the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes," approved May 25, 1922, shall not apply to the said land office in so far as they relate to the consolidation of the offices of register and receiver of such land office.

SEC. 3. That such appropriations as are sufficient to maintain said offices are hereby authorized to be made from time to time as conditions may require.

Mr. PITTMAN. What is the effect of the amendment?

Mr. PHIPPS. The effect is simply this: The office was not slated to be discontinued, but it was slated to have the positions of receiver and register consolidated. The fact is that it would automatically do that under the regulation of the department that the expenditures can not exceed 33⅓ per cent of the receipts. In this case the office gets no credit whatever for the Indian-lands money which is handled, and the business of the office requires the services of both the register and receiver.

Mr. OVERMAN. We passed an appropriation bill taking care of all these things and it was agreed to in conference and became the law. Senators now come here to undo what we have done. However, I do not suppose the House will consider it for a moment, so I will not object to it.

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

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to continue certain land offices, and for other purposes."

DOMESTIC PRICE OF BONE BLACK.

Mr. WALSH of Massachusetts. Mr. President, before the next amendment to the pending tariff bill is taken up, I ask unanimous consent to have inserted in the RECORD some communications which I have received with reference to the domestic price of bone black.

In the discussion of this question the other night the Senator from North Dakota [Mr. McCUMBER] quoted some prices from the Oil, Paint, and Drug Reporter, which were inaccurate and which did not relate to the kind of bone black under discussion at that time. These communications are from various dealers in this country and tend to show that the price is, as I claimed at that time, 4 cents per pound. They refute the opposing contention and explain the statement heretofore made by me on this matter.

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

SAVANNAH SUGAR REFINING CORPORATION,
Savannah, Ga., May 22, 1922.

Messrs. POMEROY & FISCHER,
95 Madison Avenue, New York, N. Y.

GENTLEMEN: For your information, we have bought what you might say will be our requirements in domestic bone black for 1922 at 4 cents per pound f. o. b. our refinery, Port Wentworth.

Yours very truly,

W. S. PARDONNER.

POMEROY & FISCHER,
New York, May 25, 1922.

Hon. DAVID I. WALSH,
Senate Finance Committee, Washington, D. C.

(Subject: Tariff on bone black, par. 66, Schedule 1.)

MY DEAR MR. WALSH: I fear you will be weary with my continued letters on bone black, but I now write merely to transmit a letter received this morning from the Oil, Paint, and Drug Reporter. Added to the evidence previously submitted, it should prove to Senator McCUMBER that beyond question the market for bone black at this time is 4 cents per pound and not 5 to 7 cents, as maintained by him in the debate. I remain,

Yours very truly,

CHAS. B. GRIMES.

NEW YORK, *May 24, 1922.*

POMEROY & FISCHER,
95 Madison Avenue, New York, N. Y.

GENTLEMEN: In answer to your question concerning the quotation on bone black as it appears in the Reporter, the quoted price is, as is stated in the prices current, upon powdered of the sort that is used in the paint industry. It does not cover the price of granular, as used in the sugar industry. This, according to our information, is considerably lower. For instance, one prominent handler who considered our inside price of 5½ cents rather low, quoted granular for decolorizing purposes at 4½ cents. We hope this gives you the information you desired.

Very truly yours,

OIL, PAINT, AND DRUG REPORTER (INC.),
H. CRAIG, *Managing Editor.*

THE NATIONAL SUGAR REFINING CO. OF NEW JERSEY,
New York, May 18, 1922.

Messrs. POMEROY & FISCHER,
95 Madison Avenue, New York City.

GENTLEMEN: Referring to the telegram which you submitted to us quoting domestic bone black at 5 cents to 7 cents per pound, we beg to say that this price is entirely too high. We are not in the market at the moment for bone black, but its value ranges from 4 cents to 4½ cents.

Yours very truly,

THE NATIONAL SUGAR REFINING CO. OF NEW JERSEY,
GEO. R. BUNKER, *Secretary.*

WARNER SUGAR REFINING CO.,
New York, May 23, 1922.

Messrs. POMEROY & FISCHER,
No. 95 Madison Avenue, New York, N. Y.

GENTLEMEN: Replying to your inquiry as to whether we have made purchases of bone black under $100 per ton f. o. b. New York, I beg to say that we made several purchases the early part of this year from domestic bone-black manufacturers at a price not exceeding 4 cents per pound. I understand that I could make purchases to-day of new 12 by 28 American bone black from both eastern and western manufactures at 4 cents per pound delivered New York.

I trust the above information will be of value to you in your endeavors to obtain, if possible, a reversal of the action of Congress to place an import tariff on foreign bone black.

Yours very truly,

J. R. PELS,
Purchasing Agent.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The ASSISTANT SECRETARY. The pending amendment is on page 67, line 2, paragraph 337——

Mr. SIMMONS. Mr. President——

Mr. McCUMBER. I yield to the Senator from North Carolina.

Mr. SIMMONS. I desire to ask the Senator from North Dakota if he would not be willing now to take up paragraph 346?

Mr. McCUMBER. And to proceed from that paragraph?

Mr. SIMMONS. To proceed from that paragraph.

Mr. McCUMBER. That is satisfactory to me, Mr. President.

The PRESIDING OFFICER. The amendment of the Committee on Finance to paragraph 346 will be stated.

The next amendment of the Committee on Finance was, in paragraph 346, on page 69, line 21, after the words "partly of," to strike out "iron or steel" and to insert "iron, steel, or other base metal"; so as to make the paragraph read:

PAR. 346. Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal, valued at not more than 20 cents per hundred, 5 cents per hundred; valued at more than 20 and not more than 50 cents per hundred, 10 cents per hundred; valued at more than 50 cents per hundred, 15 cents per hundred; and in addition thereto, on all of the foregoing, 20 per cent ad valorem.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SHEPPARD. Mr. President——

Mr. SIMMONS. I yield the floor to the Senator from Texas.

Mr. McCUMBER. If the Senator from Texas will yield to me, I desire to suggest that I presume he does not object to the particular amendment of the committee which has been stated being acted on?

Mr. SHEPPARD. I desire briefly to discuss the paragraph.

Mr. McCUMBER. But I suggest that the Senator from Texas would not object to having acted upon that particular amendment, which is simply a designation of the class?

Mr. SHEPPARD. I do not; but I thought the discussion should properly proceed under the amendment, and then we could vote on the amendment. However, I am willing to take any course which the Senator from North Dakota suggests.

Mr. McCUMBER. The amendment which has been stated, I understand, is the only amendment to the paragraph?

Mr. SHEPPARD. It is, and therefore I thought it was best to deliver my remarks on the only pending amendment.

Mr. McCUMBER. Very well. I understand the situation.

Mr. SHEPPARD. Mr. President, the paragraph of the bill under consideration reads as follows:

PAR. 346. Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal, valued at not more than 20 cents per hundred, 5 cents per hundred; valued at more than 20 and not more than 50 cents per hundred, 10 cents per hundred; valued at more than 50 cents per hundred, 15 cents per hundred; and in addition thereto on all of the foregoing 20 per cent ad valorem.

Translated in terms of ad valorem these rates range from 45 to 55 per cent.

The only change this makes in the bill as it passed the House is to add the words "or other base metal" after the words "iron or steel." The rates are the same as in the House bill and are slightly higher than most of the corresponding rates in the Payne-Aldrich Act of 1909.

The rates on these articles in the existing Democratic tariff act are 15 per cent ad valorem, except as to shoe and slipper buckles, which are 20 per cent ad valorem.

It will be seen, therefore, that the proposed bill increases about three times the prevailing tariff rates on these necessary articles of human wear.

Imports in 1919 had a value of $17,880; in 1920, $7,349; in the first nine months of 1921, $793. They came principally from Germany, Austria, and France. Home production has an annual value of a million dollars or more, according to the tariff commission. Do these figures afford any possible basis for the fear of foreign competition? Do they afford any justification for an increase in tariff rates of 300 per cent?

Evidently differences in exchange and wages are not resulting in any appreciable danger to this American industry. Evidently American skill and experience enable us to make these articles in such volume and at such cost per unit that foreign competition can not damage us. Evidently duties on these articles are useless for protection and almost equally ineffective for revenue. The enormous increases proposed in the pending paragraph can only serve as a basis or excuse for extortion in the home market.

At the proper time I shall move to substitute the existing Democratic rates for those in the pending bill. The American industry is making satisfactory progress under them and they will afford a small revenue.

I quote here from the survey of the Tariff Commission:

The act of 1913 reduced the tariff approximately 70 per cent. But even with this large reduction the contention of domestic manufacturers to the effect that foreign producers are destructive competitors in the American market is not substantiated by statistics of imports, which, compared with domestic production, are very small. The annual importation—computed on values—has never been much over 2 per cent of the total available supply, and from 1908 to 1919 it was much less.

I understand that under the rule adopted for the consideration of the pending bill, where there is no change in the rate which has been fixed by the other House we may not for the present offer an amendment changing the rate. I have no objection, therefore, to the amendment proposed by the committee, which does not involve a rate change by the Senate.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment reported by the Committee on Finance will be stated.

The next amendment of the Committee on Finance was in paragraph 347, on page 70, line 6, before the words "per centum," to strike out the figures "15" and to insert "25"; so as to make the paragraph read:

PAR. 347. Hooks and eyes, wholly or in chief value of metal, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, 4½ cents per pound and 25 per cent ad valorem.

Mr. SHEPPARD. Mr. President, paragraph 347 of the bill before the Senate is as follows:

Hooks and eyes, wholly or in chief value of metal, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, 4½ cents per pound and 15 per cent ad valorem.

This is the form in which the paragraph passed the House, and in which it appeared in the Payne-Aldrich Act.

The existing Democratic tariff law places a rate of 15 per cent ad valorem on these items.

Domestic production in 1919 was valued at $2,354,000, importation at only $50. The value of imports in 1920 was $3,401, in the first nine months of 1921, $3,533. Home production continued on a scale adequate to supply the home demand.

It is evident, therefore, that importations are not endangering home production, and that the proposed duty increase of about 100 per cent is without reason.

I shall move, at the proper time, to retain the prevailing rate, to wit, 15 per cent ad valorem, under which the industry produces a sufficient supply for domestic needs. So small are the importations that the question of revenue is insignificant.

Hooks and eyes are a crude, unsatisfactory, baffling, and bedeviling means of fastening dresses, as most married men will testify. It is an industry that should not be encouraged. Let us hope that modern progress, having furnished us wireless telegraphy, heatless cookery, and the horseless carriage, will next discover the hookless and eyeless dress. Hooks and eyes are made of brass, plated with tin, coated with japan, located with difficulty, and connected with the most strenuous and agonizing endeavor. They are made by automatic machinery; would they could be fastened, Mr. President, in the same way.

Mr. President, I move to amend the committee amendment by striking out "25" and inserting "15."

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

Mr. SHEPPARD. Certainly, sir.

Mr. McCUMBER. As an expert, will the Senator inform me how many dresses a pound of hooks and eyes will supply?

Mr. SHEPPARD. From the experience I have had, it seems to me that the number of hooks and eyes on each dress is almost infinite and that they are hopelessly invisible.

Mr. McCUMBER. If I should venture a guess, I should say that one pound would perhaps be sufficient to furnish all the hooks and eyes a lady would use in a lifetime.

Mr. SHEPPARD. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In paragraph 347, page 70, line 6, before the words "per centum," it is proposed to strike out "25" and to insert "14."

Mr. McLEAN. Mr. President, the remarks of the Senator from Texas in opposition to the paragraph have been very interesting, but it does not seem to me that he could have investigated the subject very thoroughly. The Reynolds report goes into this item in detail, and the conclusion of the commission is that to equalize the difference in conversion cost of this article would require 274 per cent. The committee has given it 25 per cent. Under the circumstances I do not think it is necessary to debate the question any longer.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment reported by the committee, and on which the yeas and nays are demanded.

The yeas and nays were not ordered.

Mr. SHEPPARD. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ball	Hale	McCormick	Pittman
Borah	Harreld	McCumber	Sheppard
Brandegee	Harris	McKinley	Shortridge
Broussard	Harrison	McLean	Simmons
Bursum	Johnson	McNary	Smith
Calder	Jones, N. Mex.	Moses	Smoot
Capper	Jones, Wash.	Newberry	Sterling
Curtis	Kellogg	Nicholson	Sutherland
Elkins	Kendrick	Oddie	Townsend
Ernst	La Follette	Overman	Wadsworth
France	Lenroot	Page	Warren
Gooding	Lodge	Phipps	

The PRESIDING OFFICER. Forty-seven Senators have answered to their names—not a quorum. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. HEFLIN and Mr. LADD answered to their names when called.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present. The question is on the amendment offered by the Senator from Texas [Mr. SHEPPARD] to the amendment of the committee.

Mr. SHEPPARD. Mr. President, I want to say to the Senator from Connecticut that I took the figures I quoted from the Summary of Tariff Information furnished us by the Tariff Commission, and I desire to have the vote taken on the committee amendment. Later on I shall move to strike out the specific rate of 4½ cents a pound, when we return to the unchanged text of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee, which will be stated.

The ASSISTANT SECRETARY. On page 70, line 6, in the paragraph relative to hooks and eyes, the committee proposes to strike out "15" and to insert "25."

Mr. SHEPPARD. On that I ask for the yeas and nays.

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

Mr. BALL (when his name was called). I transfer my pair with the Senator from Florida [Mr. FLETCHER] to the Senator from Pennsylvania [Mr. CROW], and will vote. I vote "yea."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. MOSES (when Mr. KEYES's name was called). My colleague [Mr. KEYES] is absent on account of illness. I am authorized to state that if he were present he would vote "yea" on this question.

Mr. LODGE (when his name was called). Making the same announcement as before as to the transfer of my pair, I vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). Transferring my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Washington [Mr. POINDEXTER], I vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

Mr. ERNST (after having voted in the affirmative). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Missouri [Mr. SPENCER] and allow my vote to stand.

The result was announced—yeas 40, nays 10, as follows:

YEAS—40.

Ball	Gooding	Lodge	Page
Brandegee	Hale	McCormick	Pepper
Broussard	Harreld	McCumber	Phipps
Bursum	Johnson	McKinley	Shortridge
Calder	Jones, Wash.	McLean	Smoot
Capper	Kellogg	McNary	Sterling
Curtis	Kendrick	Moses	Sutherland
Elkins	Ladd	Newberry	Townsend
Ernst	La Follette	Nicholson	Wadsworth
France	Lenroot	Oddie	Warren

NAYS—10.

Borah	Harrison	Pittman	Smith
Caraway	Heflin	Sheppard	
Harris	Overman	Simmons	

NOT VOTING—46.

Ashurst	Frelinghuysen	Norris	Swanson
Cameron	Gerry	Owen	Trammell
Colt	Glass	Poindexter	Underwood
Crow	Hitchcock	Pomerene	Walsh, Mass.
Culberson	Jones, N. Mex.	Ransdell	Walsh, Mont.
Cummins	Keyes	Rawson	Watson, Ga.
Dial	King	Reed	Watson, Ind.
Dillingham	McKellar	Robinson	Weller
du Pont	Myers	Shields	Williams
Edge	Nelson	Spencer	Willis
Fernald	New	Stanfield	
Fletcher	Norbeck	Stanley	

So the committee amendment was agreed to.

The next amendment was, in paragraph 348, on page 70, line 10, before the words "per centum," to strike out "40" and insert "55," so as to read:

Snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum, and not mounted on tape, 55 per cent ad valorem.

Mr. SHEPPARD. Paragraph 348 of the bill under consideration provides, as reported to the Senate, that snap fasteners and clasps, and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum, and not mounted on tape, 55 per cent ad valorem; mounted on tape, 60 per cent ad valorem. This represents an increase over corresponding rates in the bill as it passed the House of about 25 per cent, the House rates being 40 per cent ad valorem and 45 per cent ad valorem, respectively. It presents an increase of 5 to 10 per cent over the Payne rates of 1909 and an increase of 200 per cent and upward over the existing Democratic rates, which are 15 per cent ad valorem for snap fasteners and clasps made wholly or in chief value of iron and steel, and 20 per cent ad valorem on the said fasteners and clasps composed of metal other than iron or steel.

These articles are a decided improvement over the exasperating hooks and eyes as devices for fastening clothing, and are used as substitutes for them, as well as for buttons, buckles, and pins.

Annual production in the United States is valued at about $6,000,000, while imports in 1920 had a value of $26,351, and during the first nine months of 1921 a value of $7,000.

There is nothing in these figures calling for the large increases in the House bill and still larger increases in the bill as reported to the Senate. There is nothing to show that the moderate duties in the current Democratic law are not sufficient for all legitimate purposes, and I move to substitute 15 per cent for 55 in the pending paragraph.

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

The ASSISTANT SECRETARY. On page 70, line 10, strike out "55" and insert in lieu thereof "15," so as to read:

Not mounted on tape, 15 per cent ad valorem.

The amendment to the amendment was rejected.

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

Mr. LODGE. Mr. President, I do not know whether an amendment I desire to offer is strictly in order at this time. The committee amendment in line 11 is "mounted on tape, 60 per cent ad valorem." I want to add another classification, and I suppose it would come properly as an individual amendment and not as an amendment to the committee amendment. I want to add the words, "except, however, that on sew-on fasteners there shall be a specific duty of 20 cents a single gross."

Mr. McCUMBER. The Senator is not offering that now, I understand?

Mr. LODGE. No; I believe it is not in order.

Mr. McCUMBER. That is correct.

Mr. LODGE. I give notice that I shall offer that amendment.

Mr. McCUMBER. Mr. President, I want to read into the RECORD at this time some of the testimony which was given in reference to the cost of these fasteners. This was the statement of Mr. Waldes, of Waldes & Co., and I ask Senators on the other side of the Chamber who get startled at some of our tariff rates to consider what we would have to pay if we should attempt to import any of these articles into some of these other countries. The rates of duty in the different countries are as follows:

Belgium, about 75 per cent; Czechoslovakia, 40 per cent; France, 80 per cent; Italy, 90 per cent; Poland, 300 per cent; Spain, 90 per cent; while in Germany and Austria the importation is prohibited.

He testified further, as follows:

In the past five years five manufacturers of snap fasteners have gone into bankruptcy, and this condition shows no sign of improvement so long as the German-made articles are admitted on present rate of duty. The manufacture of snap fasteners can be continued and imported into this country at cheaper rates than they can be produced in the United States.

He further said:

Since 1918 our losses in the manufacture in this country amount to almost $700,000. We shall be glad to continue in the business, and for certain reasons hope to increase and extend our business here so that the bulk of the manufacture can be concentrated in this country. To enable us to do this the rate of import duty on snap fasteners and clasps, in our opinion and based upon our experience in manufacturing in this country and while trying to meet the German competition, should be made at least 60 per cent ad valorem, not mounted on tape or cardboard, and 65 per cent ad valorem when mounted on tape or cardboard.

This was on the American valuation basis. We have made it very much less than this, and on the foreign valuation basis, so I think, if we want to continue the business in this country at all, we will have to give at least the rate of duty we have recommended.

Mr. SHEPPARD. As long as the importations are only $26,000, and the home production is something like $6,000,000, there can not be much of occasion for protection. The domestic manufacturers must give some other reason than the danger of increased importations for failure in business, if some of them do occasionally fail.

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

The amendment was agreed to.

The next amendment of the committee was, on page 70, line 11, to strike out "45" at the end of the line and insert in lieu thereof "60," so as to read:

Mounted on tape, 60 per cent ad valorem.

Mr. SHEPPARD. I move to strike out 60 and insert in lieu thereof 20, and I want to add that with the diminutive volume of importations the domestic demand is being substantially and satisfactorily met under the existing tariff conditions. I ask for a vote.

The amendment to the amendment was rejected.

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

The amendment was agreed to.

The next amendment was, in paragraph 349, page 70, line 12, where the committee proposed to strike out the word "buttons" and the comma, and the words "except steel," and insert in lieu thereof the same words without the comma and with the words "except steel" inclosed in parentheses.

The amendment was agreed to.

The next amendment of the committee was, on page 70, line 17, to strike out "10" and insert in lieu thereof "20."

Mr. SHEPPARD. Mr. President, paragraph 349 of the pending bill is now before us, and deals with buttons—buttons of all kinds—simple but essential devices, which do more perhaps to hold civilization together than all the more pretentious agencies of social existence combined. They are in a supreme sense necessities of civilized life and should not be heavily taxed. On a single suspender button may at times rest more responsibility and more possibility than may well be measured.

The paragraph as amended by the Senate committee reads as follows:

Metal trousers buttons (except steel) and nickel bar buttons, one-twelfth of 1 cent per line per gross; steel trousers buttons one-fourth of 1 cent per line per gross; buttons of metal, not specially provided for, three-fourths of 1 cent per line per gross; and, in addition thereto, on all of the foregoing, 20 per cent ad valorem; metal buttons embossed with a design, device, pattern, or lettering, 45 per cent ad valorem: *Provided*, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of 1 inch.

The language of the paragraph remains as it passed the House, the only change being an increase of the ad valorem rates from 10 to 20 and from 35 to 45, respectively. This is practically the scale of rates contained in the Payne bill on buttons, except that the 20 per cent ad valorem rate of the Senate committee bill was 15 per cent ad valorem in the Payne bill.

The rate on buttons in the Simmons-Underwood law—the Democratic law—now in operation is 15 per cent ad valorem.

Buttons are of such universal necessity and use that there can be no excuse for high tariff taxes except on one type—namely, bachelor buttons. Bachelor buttons made abroad ought to have so high an import tax and those made at home so high an internal-revenue tax that all bachelors would be compelled to forsake single cussedness or remain in hiding forever. In fact, buttons for bachelors should be made so inaccessible that the bachelor hymn of the Republic would be "Button, button, who's got the button?"

It developed at the hearings that the annual domestic output of buttons is valued at $25,000,000, while imports in 1920 were valued at $27,684; in the first nine months of 1921, $17,765. Asked why, in the face of such conditions, he desired an increase of 200 to 300 per cent in the tariff taxes on buttons, one of the representatives of a great American button factory said at the hearings:

We are in the class of what's going to happen. We are fearful for the future.

On so flimsy a foundation rests the tremendous advances in the bill before us on one of the necessary items of civilized life.

I shall move to strike out the words "20 per cent," then to strike out the words "45 per cent," and insert in lieu of the latter the language of existing law, "15 per cent ad valorem."

If these amendments prevail I shall at the proper time move to strike out all the specific rates in the pending paragraph. This will leave buttons under the existing rate—15 per cent ad valorem—the duty under which the American button industry practically commands the American market.

I move to strike out the numerals "20" and insert in lieu thereof the numerals "15."

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

The ASSISTANT SECRETARY. On page 70, line 17, the Senator from Texas moves to strike out "20" and insert in lieu thereof "15."

The yeas and nays were ordered.

Mr. McLEAN. Mr. President, I wish to call attention to the fact that on this article of metal buttons the Reynolds report shows the American manufacturer is entitled to 145 per cent. We have given him 20 per cent. If the Senator from Texas will move to amend the bill to include bachelor buttons and follow that with a motion to raise the rate on those buttons, I think he would get some votes on this side. However, it is apparent from his discussion of the paragraph that he is more familiar with the needs for protection on bachelor buttons than he is for protection on metal buttons.

Mr. SHEPPARD. Mr. President, I desire to withdraw the amendments which I have offered in order that the vote may be on the committee amendment.

The VICE PRESIDENT. The Senator from Texas withdraws his amendment to the amendment. The question is on the committee amendment, which will be stated.

The ASSISTANT SECRETARY. The committee amendment is, on line 17, to strike out "10" and insert "20," so as to read:

PAR. 349. Metal trouser buttons (except steel) and nickel bar buttons, one-twelfth of 1 cent per line per gross; steel trouser buttons, one-fourth of 1 cent per line per gross; buttons of metal, not specially provided for, three-fourths of 1 cent per line per gross; and in addition thereto, on all of the foregoing, 20 per cent ad valorem.

Mr. SHEPPARD. On the committee amendment I ask for the yeas and nays.

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

Mr. MOSES (when Mr. KEYES's name was called). I am authorized by my colleague [Mr. KEYES], who is absent on account of illness, to state that if present he would vote "yea" on this amendment.

Mr. LODGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. NEW (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. McKELLAR] to the Senator from Iowa [Mr. RAWSON] and vote "yea."

Mr. PHIPPS (when his name was called). Making the same announcement as before, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous vote, I vote "yea."

Mr. WALSH of Montana (when his name was called). I inquire if the senior Senator from New Jersey [Mr. FRELINGHUYSEN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. WALSH of Montana. I have a pair with the senior Senator from New Jersey. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The roll call was concluded.

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. BALL (after having voted in the affirmative). Has the senior Senator from Florida [Mr. FLETCHER] voted?

The VICE PRESIDENT. He has not voted.

Mr. BALL. I have a general pair with that Senator. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 42, nays 14, not voting 40, as follows:

YEAS—42.

Ball	Calder	Ernst	Harreld
Brandegee	Capper	France	Johnson
Broussard	Curtis	Goodling	Jones, Wash.
Bursum	Elkins	Hale	Kellogg

Kendrick	McKinley	Oddie	Sterling
Ladd	McLean	Page	Sutherland
La Follette	McNary	Pepper	Townsend
Lenroot	Moses	Phipps	Wadsworth
Lodge	New	Ransdell	Warren
McCormick	Newberry	Shortridge	
McCumber	Norbeck	Smoot	

NAYS—14.

Ashurst	Heflin	Sheppard	Swanson
Cummins	Jones, N. Mex.	Simmons	Walsh, Mont.
Harris	Overman	Smith	
Harrison	Pittman	Stanley	

NOT VOTING—40.

Borah	Fernald	Nelson	Spencer
Cameron	Fletcher	Nicholson	Stanfield
Caraway	Frelinghuysen	Norris	Trammell
Colt	Gerry	Owen	Underwood
Crow	Glass	Poindexter	Walsh, Mass.
Culberson	Hitchcock	Pomerene	Watson, Ga.
Dial	Keyes	Rawson	Watson, Ind.
Dillingham	King	Reed	Weller
du Pont	McKellar	Robinson	Williams
Edge	Myers	Shields	Willis

So the amendment of the committee was agreed to.

The next amendment of the committee was, on page 70, at the beginning of line 19, before the words "per cent," to strike out "35" and to insert "45," so as to read:

PAR. 349. Metal trouser buttons (except steel) and nickel bar buttons, one-twelfth of 1 cent per line per gross; steel trouser buttons, one-fourth of 1 cent per line per gross; buttons of metal, not specially provided for, three-fourths of 1 cent per line per gross; and in addition thereto, on all of the foregoing, 20 per cent ad valorem; metal buttons embossed with a design, device, pattern, or lettering, 45 per cent ad valorem: *Provided*, That the term "line" as used in this paragraph shall mean the line button measure of one-fortieth of 1 inch.

Mr. SHEPPARD. Mr. President, I move in the committee amendment to strike out "45" and insert in lieu thereof "20."

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

The ASSISTANT SECRETARY. In the amendment of the committee the Senator from Texas moves to strike out "45" and insert "20," so as to read "20 per cent ad valorem."

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

The amendment to the amendment was rejected.

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

The amendment was agreed to.

The next amendment was, on page 70, line 24, after the word "other," to strike out "basic" and to insert "base"; and on page 71, line 2, before the words "per cent," to strike out "28" and insert "40," so as to make the paragraph read:

PAR. 350. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver, and not commonly known as jewelry, 40 per cent ad valorem.

Mr. SHEPPARD. Mr. President——

Mr. SMOOT. Mr. President, I wish to say to the Senator from Texas that it is the intention of the committee to ask that "40" be stricken out and that in lieu thereof "35" be inserted, so whatever he wants to say with reference to the rate he can say with the suggestion in mind that the committee desires to have the rate reduced to 35 per cent ad valorem.

Mr. SHEPPARD. That modifies the situation to some extent, but I think the rate is still inexcusable.

Mr. President, we now reach one of the superlative iniquities of the Republican tariff bill, an increase of 100 per cent in the tariff tax on the ordinary, common safety pin, the first implement used by human beings as they alight upon this mortal shore, at once the symbol and the guard of infancy, necessary to rich and poor, to humble and to proud, whether palace or hovel house, the newborn glory of a babe. Why, Mr. President, as notice of this characteristic infamy reaches the multitudes of fresh arrivals on the stork express, the cry with which they greet the light of earth and time will deepen into a chorus of denunciation before which the Republican Party will retire in hopeless and disordered flight. More than this, it is proposed in the same paragraph to double the tariff charges on ordinary, common hairpins, so essential to every American woman, and on ordinary, common pins with which the mothers of the land use with their bonnets and their shawls. What fatuity possesses these 7,000,000-majority bloated men? Do they not know that once there was an Aldrich and a Payne who brooked the justice of the Almighty to keep their tariff State in Washington, and will they fail to profit by their fate? Mother's bonnet, auntie's shawl, baby's safety pin laid under tribute to the money barons and the profiteers!

Angels and ministers of grace, defend us!

The paragraph in question—paragraph 350—provides as follows:

Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; and brass, copper, iron, steel, or other base metal pins, with heads of glass, paste, or fusible enamel; all the foregoing not plated with gold or silver and not commonly known as jewelry, 40 per cent ad valorem.

The rate adopted by the House was 28 per cent ad valorem.

Under the low Democratic rate of 20 per cent ad valorem this industry has grown from a total domestic production valued at $2,713,782 in 1914 to $7,248,000 in 1919, while the value of competing imports was only $130,165. Imports in 1920 were valued at $161,142; in the first nine months of 1921, $156,175, while home production continued to supply almost the entire home market—even making some exportations.

There is no reason for a higher duty than the moderate rate of the Democracy.

I move to strike out "40" in the pending paragraph and to insert in lieu thereof "35." Has there been a vote taken on the motion to make the rate 35 per cent?

Mr. SMOOT. No.

Mr. SHEPPARD. Then I will ask that a vote be taken first on the amendment of the Senator from Utah, and then I will move to reduce the rate.

The VICE PRESIDENT. The Senator from Texas must make his motion now.

Mr. SHEPPARD. Then, I move to insert "20" in lieu of "40," and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McLEAN obtained the floor.

Mr. JONES of New Mexico. Mr. President——

Mr. McLEAN. Does the Senator from New Mexico wish to address himself to this paragraph?

Mr. JONES of New Mexico. I merely wish to make a statement regarding conditions of the trade in the kind of products covered by the paragraph.

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

Mr. JONES of New Mexico. Mr. President, this is one of those paragraphs which are illustrative of the pending bill. According to the information which we have, the production of common pins, hairpins, and safety pins in 1914 amounted to $2,713,792 worth, and in 1919 it was $7,248,000 worth. The imports of all pins covered by this paragraph amounted to $235,571 worth in 1914. That was prior to the World War. Subsequent to war, although business is becoming somewhat normal, as evidencing the deplorable condition in which the foreign manufacturers find themselves, the importations are much less than prior to the war. When the factories of Europe are trying to export all that they can, when they are trying to secure American dollars, when supposedly the cost of production is cheaper than ever in the history of the world, we find that the importations are much less than they were prior to the war. Those importations in 1918 amounted to $104,000—I give simply the round figures—in 1919 to $130,000; in 1920 to $161,000; in 1921 to $156,000. We were importing prior to the war $235,000 worth, and the value of those pins as produced in this country in 1919 was over $7,000,000. These importations are under existing law. They are infinitesimal in amount compared with the home production. Now, the Committee on Finance proposes to increase the tax on these articles by 100 per cent.

I should like to learn from some Senator on the other side of the Chamber how he can justify any such proposal as that. The importations amount to only a fraction of 1 per cent of the domestic production; we produce over $7,000,000 worth of the commodities mentioned in that paragraph; we are importing less than $200,000 worth of hairpins, safety pins, and all the other kinds of pins, and it is now proposed to increase the tariff duty by 100 per cent.

Will some Senator on the other side of the Chamber arise and attempt to justify this proposition upon any principle of tariff legislation, whether propounded by Democrats or Republicans? Not a word has been said on the other side of the Chamber to justify this proposed rate. No one has risen and attempted to announce any principle which would justify this increase of 100 per cent tax upon those commodities which go into every home in the land. There is no competition of consequence. Then, why do Senators want to do this?

There can be only one explanation, and that is that the majority of the Finance Committee who propose these increased duties are simply determined to raise the taxes on everything which the homes of this land consume. They are determined that where any amount of any commodity is coming into this country they are going to shut it out; that they are going to increase the taxes so as to enable the American producers to

increase their prices, to create monopolies in these commodities, to control prices, and thereby levy tribute upon every home in the land. If some Senator can justify this outrage, I trust he will rise from his seat and attempt to do so.

Mr. President, these are times calling for statesmanship. We have a great problem to solve. The farmers of the country who produce a surplus of their commodities must find a market abroad; the steel factories of the country, which have been dependent more and more upon finding a foreign market for their surplus products, want some method provided whereby they may sell their wares; but take the bill as we have thus far considered it and whenever there is anything that is being brought into this country Senators on the other side of the Chamber are raising the taxes so as to shut it out.

I understand that there are Senators upon the other side of the Chamber who profess to be in sympathy at least with the farmers of the country, and who profess to be in sympathy with the laborers of the country who are working in the factories. We have been building up an export trade for years. The President of the United States only recently came before the Congress and insisted that we should pass a ship subsidy bill in order to foster our export trade; but here comes the Finance Committee of the Senate and builds up this tariff wall, with the inevitable result of destroying our export trade.

This may be a little item, but it is only one of the thousands of items in the bill. It is proposed to raise this duty 100 per cent, and yet not a Senator on the other side of the Chamber has attempted to justify doing so, but when the roll is called the Republican Members of the Senate will flock into the Chamber and follow their leader without asking why, without stopping to consider the effect upon the people of this country.

Do Senators want to be mere puppets here in the hands of those who would increase the duty upon everything that comes into this country from abroad and even upon those things which do not come in here in any considerable quantity?

Here we have a fair illustration: Seven million dollars' worth of these articles are produced in this country; the importations have been less than $200,000 worth; but it is now desired to raise the tax 100 per cent above the present law for the purpose of shutting out the $200,000 of importations and to enable the manufacturers in the country to control the prices and to charge what they will.

I have spoken in this Chamber time and again upon various items of the bill. It does seem to me, with these stern facts staring us in the face, that sometimes Senators on the other side of the Chamber would feel that they are called upon to justify their action before the American people; but no Senator has risen here to say one word in justification of this procedure. No word, in my judgment, can be said except that Republican Senators want absolutely to put a stone tariff wall around the United States in order to prevent any importations and at the same time to prevent any exportations.

In the first speech that was delivered on the floor of this Chamber by the distinguished chairman of the Finance Committee he outlined this procedure, but I imagine it was not understood by the Senate or the country. He said that we wanted to build up these American industries. He said if the wheat farmer of the country could not find a market for his surplus, let him grow flax; and that is what we are told with respect to every industry in this land which produces a surplus. If the wheat grower can not find a market for his surplus, let him grow flax. If the cattle grower or the pork producer can not find a market for his meat product, let him grow flax; and so with the cotton grower, who must find a market abroad for 60 per cent of his produce.

If he can not find that market, let him grow flax; and so with the producer of copper, who must export 60 per cent of his commodity. If he can not find a market for it abroad, let him grow flax. That is the message which the Senate will send to the producers of this country; and so to the steel producers, who manufacture a surplus of their commodities, and steel products have been exported at the rate of about a billion dollars a year: If you can not find a market abroad for that, stop producing steel and go to raising flax.

That is the message you send to the people of this country. Looking at this bill as a whole, you are proposing absolutely to destroy the market for any surplus which we may produce. It is supposed that when the great Finance Committee of this body undertakes to deal with financial conditions in this country it will consider the various factors entering into the situation. We have two extraordinary problems with which to deal. We have the question of competition from abroad; we have the question of finding a market abroad for our surplus products. The Finance Committee attempts to deal with one only. It ignores the other great problem of finding a market for the surplus products of this country; and how anybody on the other side of the Chamber who pretends to be in sympathy with the producer of farm products, who pretends to be in sympathy with anybody who produces a surplus of any product, can vote for these measures is beyond my comprehension.

You are deliberately destroying the market for these surplus products of the country. It is as much your duty to legislate for the producers who have a surplus of commodities in this country as it is to legislate for those who would seek to control absolutely the American market. Do you want to say to the surplus producers of this country that they are of no concern to you? That is what you are saying by this bill.

The wheat growers of Minnesota, of North Dakota, of Kansas, of Nebraska, of New Mexico, of Oklahoma, of Texas, of Ohio, of Illinois, are going to have something to say to you when the reckoning day comes. They are going to tell you that you have deliberately destroyed their market—that you did not care for them. They constitute about 50 per cent of the people of this Republic. Upon their prosperity depends the prosperity of the land; but you deliberately destroy their prosperity. You say to the wheat grower: "We do not care whether you find a market or not." You say the same thing to the pork producer, to the cattle raiser, to the cotton grower, and to the hundreds and thousands of other industries which produce a surplus to send abroad: "We do not care whether you find a market or not, but we are determined that the producers of pins shall have a complete monopoly of the American market."

The producers of cottonseed oil have felt the heavy weight of what has been done. You have closed the markets of Italy for 25,000,000 gallons of cottonseed oil per annum, and you are doing nothing to find another market to take their place.

I hope that some of you will ponder on what you are doing. You are dealing with only half the problem, and in this case you are complacently following blind leadership. Out of a domestic production of over $7,000,000, with importations of less than $200,000, you raise this rate 100 per cent in order to shut out the infinitesimal amount which is being brought into this country.

That little amount will not affect your American prices, but it will find a market for a few bushels of wheat, a market for a few pounds of meat, a market for a few pounds of copper, and a market for a few pounds of cotton.

But you do not stop to consider these things. You are dealing with only one side of the question. I know that you love your country; but, if you do, I ask you not to sell your country for a little profit to be made by these few manufacturing concerns. I do not want you to levy tribute upon the great masses of this country and turn the money over to a few concerns who may make a few more pins.

Mr. President, in my judgment this procedure can not be justified. If there is any justification, it ought to be forthcoming.

Mr. McLEAN. Mr. President, I quite agree with the Senator from New Mexico when he remarks that the proceedings to which we have been listening for the last half hour can not be justified. If the Senator had taken the trouble to investigate this question, he would have realized that the rate in the bill as recommended by the Finance Committee will not begin to cover the difference in the labor cost of producing these articles here and in foreign countries.

I wonder if the Senator from New Mexico is willing to grant a rate that would equalize the difference in labor cost in these articles, and I will ask him that question.

Mr. JONES of New Mexico. Mr. President, I submit that the Senator from Connecticut does not know the difference.

Mr. McLEAN. Let us assume that somebody knows; can we also assume that the Senator from New Mexico knows whether he is willing to grant a rate that will equalize the cost of production at home and abroad? If he does, I should like to have him answer my question.

Mr. JONES of New Mexico. Mr. President, I will state that since we began the consideration of this question I have never proposed any rate which under normal conditions would not do just what the Senator from Connecticut suggests. We have abnormal temporary conditions in one or two countries in the world; but you can not by this bill, which is to remain in effect for some years to come—or, rather, which the opposite side of the Chamber hopes will remain in effect for some years to come—foresee what the conditions are going to be. I wish to suggest to the distinguished Senator from Connecticut, however, that the old adage is that "The proof of the pudding is in the eating." Here we are, three and a half years after the war. If there is any nation on earth which can produce these things cheaper than the United States, plus the present tariff duty, why do they not come in here?

Mr. McLEAN. Mr. President, I yielded the floor hoping that the Senator from New Mexico would answer my question as to whether or not he believes in a protective tariff that would equal the difference in the cost of production here and abroad. He has not answered my question, and therefore I hope that he will surrender the floor to me.

Mr. JONES of New Mexico. I will do that.

Mr. McLEAN. I did not anticipate that the Senator would answer the question. He says, "The proof of the pudding is in the eating," and that is true. I think the fact that in the last 61 years the Democratic Party has had full power in this Government 8 years comes pretty near demonstrating the fact that the American people know that the proof of the pudding is in the eating. In every single instance when we have revised the tariff the opposition has had filibusterers—perhaps not with the ability of the Senator from New Mexico, because I think he is unsurpassed in that line, but they have done pretty well—and up to date apparently the American people have preferred to base their judgment upon existing conditions and facts and necessities rather than the declamations of the gentlemen who under no circumstances believe in a protective tariff, and have so announced in their platform year after year.

Mr. President, I will undertake to indicate to the Senator from New Mexico in a sentence the reason why the Finance Committee recommended this rate on these articles. It is a low rate, much lower than the House rate.

We have the result of the investigation made by experts, disinterested, chosen for that purpose, who spent three months in the task, and, I think, brought to the Finance Committee information which no other committee has had in the history of this country when it has undertaken to revise the tariff. This committee reports with regard to these articles. First let us take hairpins. In England the foreign value by the bundle, which seems to be the unit, is 3 cents; in this country it is something above 8 cents. If we gave the rate of duty to which this article is entitled, we would have to exceed 75 per cent certainly, because the rate required to equalize the difference in the selling price is 115 per cent.

Now we come to safety pins. In Germany, by the gross, the price is 3 cents; in this country the selling price is 32 cents. Subtracting a reasonable profit, we find we would have to give this article a rate above 500 per cent. The importations are constant, and they are increasing, as the latest information bears conclusive evidence.

The domestic competition in this article is so fierce that my impression is the exporter would have to level his price to the competitive price here, and probably all we would get would be a revenue duty.

I want to call attention to just one paragraph in the testimony taken in the hearings before the Ways and Means Committee on this bill. This, to be sure, is in a brief submitted by an American manufacturer, and for that reason I assume it will be discredited by the gentlemen on the other side of the Chamber.

They have taken the ground from the start, apparently, that anybody who is in business in this country, and who makes a profit, is to be criticized sharply, if not thoroughly discredited, when he comes before a committee asking for a reasonable protection. The foreign producer, no matter whether it is a complete monopoly or not, must be given the benefit of the doubt in every instance.

Mr. WALSH of Montana. Mr. President——

Mr. McLEAN. If the Senator will allow me to read one paragraph before he interrupts, I shall be glad to yield to him then. This witness testified as follows:

> Wire hairpins are included under Schedule C, paragraph 158, in which are included many items that we do not manufacture or know anything about. The wire-hairpin industry is not of large importance from a standpoint of dollars and cents. The number of people employed is approximately 500, of which about 80 per cent are women and 20 per cent are men. The competition with foreign manufacturers in this line was so keen, even under the Dingley or Payne tariff of 35 per cent—

That is the rate which we propose to give here. I continue reading—

> that it was with much difficulty that the machinery then owned in this country was kept fairly well employed. After the duty was reduced in 1913 to 20 per cent, the output of American-made wire hairpins commenced rapidly to fall off, and had it not been for the war conditions, which prevented further importations, the manufacturers of wire hairpins in this country would have had to close their plants long before this.
>
> The wire-hairpin industry is now on the verge of facing the above-stated condition, unless immediate relief is granted by a return to the Dingley or Payne duties of 35 per cent on this particular item.

Mr. President, inasmuch as the data which the committee has secured with regard to these articles authorized rates extending anywhere from 75 to 125 per cent, if we are to equalize the difference in the production costs, it does seem to me that we should not occupy any more time in discussing the proposal.

Mr. HEFLIN. Mr. President, the Senator from Connecticut [Mr. McLEAN], commenting upon the testimony given before the tariff committee by interested parties, forgets the rule which applies in a civil or a criminal case in court. The court naturally wants to know what interest the witness has in the case which is to be tried, and the court will take into consideration the interest the witness has in considering just what weight should be given to his testimony.

The Senator, it seems to me, would have the Senate lose sight of that principle. The witnesses to whom he refers were down here testifying about things that will put money into their pockets and take money out of the pockets of the American people. The consumers of this country are not here, nor were they permitted to testify against the testimony produced by these interested witnesses, and the Senator from Connecticut would have us accept the testimony of those witnesses simply because they are American citizens. How much weight will he give to the position of American citizens who protest by the hundreds and the thousands and the millions against the schedules listed in this bill?

The Senator asks if the Senator from New Mexico [Mr. JONES], the able and distinguished Senator who has fought so faithfully to protect the great army of American consumers, is willing to accept the proposition of figuring into a tariff bill the difference between the cost of production here and the cost of production abroad.

The Senator from Connecticut does not even intimate in his argument the watered stock put into the calculations by these specially favored American manufacturers. For instance, when he has invested only $50,000 in the industry he capitalizes his stock at a half million, and counts the cost of production on that much money invested, and he has falsified the record to the extent of $450,000. No American citizen should be compelled to pay tariff taxes upon such a thieving basis. We want the cost of production figured upon an honest basis. I do not intend at all to reflect upon the Senator from Connecticut, or to intimate that he would do such a thing, but I am suggesting what some do who ask that the cost of production be figured upon this basis.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER (Mr. BALL in the chair). Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I gladly yield to the Senator.

Mr. McLEAN. These rates are based on the difference in cost of labor, and still they are not adequate, if the Reynolds report is correct; and the gentlemen who secured this report were all disinterested parties.

I understood the Senator from Alabama to say night before last, and perhaps the night before that, and I am not sure he did not say it the night preceding the one I last mentioned, when the subject of graphite was up, that he was willing that the poor laborer in this country should have a wage which would equalize the difference in the cost to the American and to his competitor abroad.

Mr. HEFLIN. Mr. President, I do not intend that the Senator shall get away from the issue here. The situation I presented was that of a closed industry in America, dying on the hands of the Republican Party, and where a foreign graphite industry had taken charge of the American market and was pouring its graphite into our country by the thousands of tons, and the Government not deriving one cent of revenue from such traffic. In that case the interest of American industry and American labor both justified my contention for a tariff for revenue.

I want to say to the Senator on this other proposition just this: He suggests the difference between the cost of labor here and abroad. They have not such labor-saving devices as we have. We have machinery which puts thousands and hundreds of thousands of men out of employment, and those machines operate each day, and you have to consider them in counting the cost of production. We have eliminated in many of these big plants hundreds and thousands of laboring men who by their daily toil provided for their families. The Senator would forget all that in his calculations. But let us get back to the issue. It frequently happens that with these labor-saving devices one man operating a machine will do the work formerly done by 25 or 30 men.

I do not intend that they shall figure in the watered stock, and they do figure it in, and then calculate all of that into the situation, and say, "The cost of production over there is so much and the cost over here is so much, therefore we will tax the American consumer to give us a profit on imaginary stock." The consumer comes up and says, "You taxed me and I have

not had a hearing. I did not even know you were going to do it. You never summoned me to your committee hearing. I am a consumer of cement. I am a consumer of salt. I am a consumer of potash. I am a consumer of hundreds and thousands of things you have in this bill, and you have raised the tax on all of them without giving me a hearing."

Talk about taxation without representation. The Democrats in the Senate, with a few Republicans joining them, are fighting this thing, and the leaders stand up over there each day and criticize and scold us for trying to make you give enough of the facts to the Senate and the country so the people will know what you are doing here.

The Senator from Connecticut seems to forget there is anybody in this country except certain favored manufacturers, and seems to think they ought to have a license to pillage and plunder the American people through high protective tariff taxes.

I denounce such a system. What about the American consumer? What about the man and the woman who work out yonder, far removed from your favored manufacturing establishment? You do not consult them about how far their means will go in purchasing the common necessities of life. But the manufacturing magnate comes down here and says: "I would like to have this schedule increased so much and that one so much. That will bring to me so many thousand dollars and I will be very grateful. I am a good contributor to the campaign fund of the Republican Party. I would like to have some consideration now. I was told when you were candidates in 1920 that my wishes would be recognized, respected, and responded to, and I am here now to present my claims. I would like to have these things put in."

When I read the bill that you have written, with 4,000 items in it, I said: How well they have responded to his wishes. Four thousand manufacturers would tax the American consumers, 100,000,000 strong, and make them pay tribute money to their concerns. I do not wonder that they support the Republican Party. I do not wonder that they contribute liberally to your campaign fund. But what will the 100,000,000 of people do at the coming election? What will these men and women do who can walk up and deposit their will in the ark of the covenant in our civic affairs, the ballot box of America?

You know what a man does when he selects an agent. He selects an agent to do a certain thing, to look after his interests. When he goes to perform that duty and fails, what does the man do who sent him as his agent? He discharges him. Suppose that agent violates his trust and serves another man's purpose and interest, instead of the purpose and interest of the man who sent him as his agent. What does he do? He discharges him. What are the American people going to do with you? They sent you here not to write a robber tariff bill in these distressing times, when millions and millions of people are hard pressed to buy the actual necessities of life.

What do you suppose they are going to do to you in the fall election? They sent you here to look out for the common weal. They sent you here to represent the American masses. They sent you here to do that which was for the highest and best interest of the country. They find you in this temple at the Capitol, this historic legislative hall, writing a tariff measure that benefits nobody but four thousand and more trusts and combines in America. What are they going to do to you? Unless all signs fail, they are going to do to you what Jesus did to those who tried to pervert the temple at Jerusalem from the purpose for which it was created. They are going to drive you out. That is what they should do.

Mr. President, I have mentioned heretofore that you put a tax on table salt and every other kind of salt. I want to get that into the head of every American citizen, that this Republican Senate has raised the price of salt by a tax of 40 cents a sack, $4 for every 10 sacks used in the United States.

I heard the distinguished senior Senator from Iowa [Mr. CUMMINS], an able man, protesting to-day against your tax on cement, but, among other things, I understood him to say that he did not think the tariff on cement would affect the price out in Nebraska and the other States in the interior. Mr. President, I do not think there is another Senator in this body who would contend that that is the correct position, unless it be those who advocate it on the other side of the Chamber.

The idea of placing a tax on cement that comes into the United States, not affecting the whole American people who buy cement, is utterly ridiculous. What will happen when it goes out to the people that you have placed a tax on cement? I will tell you what will happen. Every man who already has cement on hand that he bought at a low price, and every man who buys it later, when the consumer comes in and says: "I want a sack of cement," will say to him: "You know the price has gone up." "Why is that?" "They have put a tax on it. The Republicans have put a tariff tax on cement and the price has advanced." The seller will take advantage of that tax. They want the excuse to raise their price, and they raise it, and the consumer pays every tax, and every suggestion that will raise a tax is laid upon him and taken from him over the counter. Everybody knows that who knows anything. So you have raised the tax on cement.

Not only that—I do not know where you Republicans are going to stop—but you have a tax on horseshoes and on horseshoe nails. Think of that, Mr. President. The good old family horse, pulling and tugging away under a Republican administration, trying to help provide a livelihood, wears his hoofs out to the hair, and the owner suggests: "I had better go down and have him shod." When he goes to buy his nails and shoes they tell him the price has been raised because the Republicans have put a tariff tax on horseshoe nails and shoes. Then he says: "Well, I can not use him. I am not able to buy shoes and nails. I will turn him out in the pasture. I want to buy some wire fence to put around the pasture where he can graze on the grass.

They tell him that the Republicans have put a tax on wire fencing, and the farmer is at his row's end under the tax-gouging process of the Republican Party.

If the farmers knew just what you were doing here, if they could hear such an eloquent speech as was made to-night by the distinguished Senator from Connecticut [Mr. MCLEAN], pleading for those 4,000 people who want to tax the whole American people for the purpose of increasing their profits and their fortunes, they would say, "The Republican Party has been weighed in the balance and found wanting."

Mr. President, they exhibit impatience at those of us on this side and those few on the other side of the Chamber who dare to oppose the hog combine. They do not even treat them courteously. They make it hard for them in every way they can. Of course, they know that the time-honored Democratic Party has never yet lowered her arms in battling for the cause of the people, has never yet bowed the knee to predatory interests. They know that their criticisms will fall on deaf ears over here. We are crusaders in the cause of the people. But for our kind the Republic would perish.

Think of the doctrine announced to-night by the Senator from Connecticut, figuring only in the interests of the men who manufacture, 4,000 and more of them, whose items are in this bill. The whole American people marching, in an attempt to get back upon the road of progress and prosperity, along which they used to march under Democratic rule, are halted, while 4,000 captains of industry lift the black flag with skull and crossbones on it and say, "We are going to tax you and increase our fortunes before you proceed further."

The question is, Will the American people submit to such a process of pillage and plunder?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Texas [Mr. SHEPPARD] to the committee amendment, which will be stated.

The ASSISTANT SECRETARY. On page 71, line 2, strike out of the committee amendment the numerals "40" and insert in lieu thereof the numerals "20," so as to read "20 per cent ad valorem."

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. MOSES (when Mr. KEYES's name was called). My colleague [Mr. KEYES], who is absent on account of illness, authorizes me to announce that if he were present he would vote "nay" on this amendment.

Mr. LODGE (when his name was called). Making the same announcement of the transfer of my pair as before, I vote "nay."

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES], I vote "nay."

Mr. WALSH of Montana (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

The roll call was concluded.

Mr. BALL. Making the same announcement as heretofore with reference to my pair and its transfer, I vote "nay."

Mr. HALE. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. ERNST. I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Iowa [Mr. RAWSON] and vote "nay."

Mr. McKINLEY (after having voted in the negative). I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 13, nays 39, as follows:

YEAS—13.

Ashurst	Heflin	Sheppard	Walsh, Mont.
Dial	Jones, N. Mex.	Simmons	
Harris	La Follette	Smith	
Harrison	Overman	Swanson	

NAYS—39.

Ball	Hale	McKinley	Ransdell
Brandegee	Johnson	McLean	Shortridge
Bursum	Jones, Wash.	McNary	Smoot
Calder	Kellogg	Moses	Spencer
Capper	Kendrick	New	Sterling
Cummins	Ladd	Newberry	Sutherland
Curtis	Lenroot	Oddie	Townsend
Elkins	Lodge	Pepper	Wadsworth
Ernst	McCormick	Phipps	Warren
France	McCumber	Poindexter	

NOT VOTING—44.

Borah	Fletcher	Nelson	Shields
Broussard	Frelinghuysen	Nicholson	Stanfield
Cameron	Gerry	Norbeck	Stanley
Caraway	Glass	Norris	Trammell
Colt	Gooding	Owen	Underwood
Crow	Harreld	Page	Walsh, Mass.
Culberson	Hitchcock	Pittman	Watson, Ga.
Dillingham	Keyes	Pomerene	Watson, Ind.
du Pont	King	Rawson	Weller
Edge	McKellar	Reed	Williams
Fernald	Myers	Robinson	Willis

So Mr. SHEPPARD's amendment to the amendment reported by the committee was rejected.

Mr. McCUMBER. I ask unanimous consent at this time that when the Senate closes its business for this calendar day it recess until to-morrow at 11 o'clock a. m.

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

Mr. SMOOT. On line 2, page 71, I move to strike out "40" and insert "35."

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

The ASSISTANT SECRETARY. On page 71, line 2, before the words "per cent" it is proposed to strike out "40" and insert "35."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

EXECUTIVE SESSION.

Mr. McCUMBER. Mr. President, that makes 42 amendments we have disposed of to-day. I desire to show my appreciation of the courtesy of those who have allowed us to dispose of so many amendments by not asking them to remain in session longer to-night. A short executive session is desired, however, and, therefore, I take the opportunity to 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.

PITTSBURGH (PA.) STORAGE SUPPLY DEPOT.

Mr. WADSWORTH. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 10925) to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized to sell at either public or private sale, upon terms and conditions deemed advisable by him, the land and improvements thereon erected, situated in the city of Pittsburgh, State of Pennsylvania, lying between Thirty-ninth Street, Fortieth Street, Butler Street, and the Allegheny River in said city, comprising an area of approximately 19¾ acres, and also a certain parcel of land in said city of Pittsburgh located at the northwest corner of Geneva Street and Forty-fourth Street, comprising approximately one-half acre, together with easements and rights of way leading thereto, all of which said property is generally known as the Pittsburgh Storage and Supply Depot, and to sell the same as a whole or in parcels, as the Secretary of War may determine, and to execute and deliver in the name of the United States and in its behalf any and all deeds or other instruments necessary to effect such sale.

SEC. 2. That all moneys received as the proceeds of such sale, after deducting the necessary expenses connected therewith, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

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

RECESS.

Mr. CURTIS. I move that the Senate take a recess, the recess being, under the previous order, until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 9 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Saturday, May 27, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 26 (legislative day of April 20), 1922.

RECEIVER OF PUBLIC MONEYS.

Harmon Hayward Schwoob, of Wyoming, to be receiver of public moneys at Lander, Wyo., vice William H. Edley, term expired. Nominated under date of May 8, 1922, and confirmed May 11, 1922, as "Hayward H. Schwoob."

REGISTER OF THE LAND OFFICE.

George C. Jackman, of Michigan, to be register of the land office at Marquette, Mich., effective upon completion of consolidation under the act of October 28, 1921.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be second lieutenants in the Marine Corps from the 3d day of June, 1921:

Frederick Wagner Biehl.	Clayton Charles Jerome.
Frank Burroughs Birthright.	Emery Ellsworth Larson.
Charles Campbell Brown.	James Marshall McHugh.
Raymond Paul Coffman.	Lyman Gano Miller.
Pierson Ellsworth Conradt.	William Montgomery Mitchell.
Charles Frederick Crisp.	William Willard Orr.
Rupert Riley Deese.	George Joseph O'Shea.
Ralph Birchard DeWitt.	Eugene Hayden Price.
John Curling Donehoo, jr.	James Profit Riseley.
Harry Edward Dunkelberger.	Robert Louis Skidmore.
Ralph Edward Forsyth.	Edward Dickinson Taylor.
Richard James Godin.	John Buxton Weaver.
Howard Reid Huff.	

POSTMASTERS.

CALIFORNIA.

Francis C. Harvey to be postmaster at Rivera, Calif. Office became presidential January 1, 1921.

Herman C. Lewis to be postmaster at Artesia, Calif., in place of W. E. Perry, resigned.

Cynthia P. Griffith to be postmaster at Wheatland, Calif., in place of A. G. Griffith, deceased.

GEORGIA.

William D. Lynn to be postmaster at Collins, Ga. Office became presidential January 1, 1920.

Jett M. Potts to be postmaster at West Point, Ga., in place of M. P. Dixon. Incumbent's commission expired March 21, 1922.

INDIANA.

William J. DeVerter to be postmaster at Cayuga, Ind., in place of G. T. Ritter. Incumbent's commission expired May 25, 1922.

KANSAS.

Harry R. Markham to be postmaster at Alton, Kans., in place of J. C. Cordill, resigned.

MAINE.

Cynthia R. Clement to be postmaster at Seal Harbor, Me., in place of F. H. Macomber, deceased.

MICHIGAN.

William Florian to be postmaster at Grand Junction, Mich. Office became presidential October 1, 1920.

MISSISSIPPI.

Ellen V. Montgomery to be postmaster at Potts Camp, Miss., in place of M. L. Hancock. Incumbent's commission expired January 24, 1922.

MISSOURI.

George Thayer to be postmaster at Flemington, Mo. Office became presidential January 1, 1922.

Paul V. Martin to be postmaster at Sarcoxie, Mo., in place of C. L. Wilson, deceased.

NEBRASKA.

Andrew E. Stanley to be postmaster at Loomis, Nebr. Office became presidential January 1, 1921.

Mamie L. Reams to be postmaster at Naponee, Nebr. Office became presidential April 1, 1921.

NEW MEXICO.

John H. Doyle, jr., to be postmaster at Mountainair, N. Mex., in place of J. A. Beal, resigned.

NEW JERSEY.

Matilda M. Hodapp to be postmaster at Spotswood, N. J. Office became presidential January 1, 1921.

NEW YORK.

Clarence M. Herrington to be postmaster at Johnsonville, N. Y. Office became presidential January 1, 1922.

Frederick Theall to be postmaster at Hartsdale, N. Y., in place of Frederick Theall. Incumbent's commission expired April 6, 1922.

Fannie E. Rooney to be postmaster at Schroon Lake, N. Y., in place of C. A. Lockwood, resigned.

NORTH CAROLINA.

Orin R. York to be postmaster at High Point, N. C., in place of J. J. Farriss, resigned.

PENNSYLVANIA.

William H. Scholl to be postmaster at Hellertown, Pa., in place of F. C. Harwi, resigned.

Leon M. Cobb to be postmaster at Mount Pocono, Pa., in place of C. H. Carter. Incumbent's commission expired February 4, 1922.

SOUTH CAROLINA.

George F. Wilson to be postmaster at Darlington, S. C., in place of C. W. Milling, deceased.

TENNESSEE.

John B. Elliott to be postmaster at Athens, Tenn., in place of C. M. Reed, removed.

TEXAS.

Charley R. Jamison to be postmaster at Boyd, Tex. Office became presidential January 1, 1921.

Fred C. Davis to be postmaster at Harrisburg, Tex. Office became presidential July 1, 1919.

VIRGINIA.

Annie G. Davey to be postmaster at Evington, Va. Office became presidential January 1, 1921.

Missouri S. Harmon to be postmaster at Melfa, Va. Office became presidential January 1, 1921.

Mollie H. Gettle to be postmaster at Rustburg, Va. Office became presidential April 1, 1920.

Miriam S. Yates to be postmaster at Brookneal, Va., in place of J. R. Williams. Incumbent's commission expired July 21, 1921.

Rufus P. Custis to be postmaster at Eastville, Va., in place of L. J. Nottingham. Incumbent's commission expired January 24, 1922.

Ethel V. Vaughan to be postmaster at Timberville, Va., in place of E. V. Vaughan. Incumbent's commission expired March 8, 1922.

WISCONSIN.

George S. Eklund to be postmaster at Gillett, Wis., in place of J. M. Melchior. Incumbent's commission expired January 24, 1922.

John A. Haddow to be postmaster at River Falls, Wis., in place of F. X. Knobel, resigned.

WYOMING.

Ralph R. Long to be postmaster at Gillette, Wyo., in place of E. H. Schrick, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26 (legislative day of April 20), 1922.

RECEIVER OF PUBLIC MONEYS.

Harmon Hayward Schwoob to be receiver of public moneys at Lander, Wyo.

POSTMASTERS.

MINNESOTA.

Jason Weatherhead, Ada.
Ernest W. Nobbs, Bellingham.
William Perbix, Hopkins.
Hans C. Pedersen, Ruthton.

MISSISSIPPI.

Edgar D. Chapman, Coffeeville.
Ira I. Massey, Ethel.
Herbert B. Miller, Gloster.
Herbert O. Roberts, Holly Springs.
Earl E. Royals, Mize.
Joseph R. Weathersby, Taylorsville.
James S. Andrews, Vosburg.

MISSOURI.

Jessie F. Huff, Des Arc.
Berry Crow, Licking.

MONTANA.

Dakota L. Martin, Oswego.
Burr A. Davison, Roundup.

PENNSYLVANIA.

Alex L. Carlier, Point Marion.
Charles H. Myers, Wrightsville.

WASHINGTON.

Sylvester G. Buell, Arlington.
Charles O. Merideth, Kent.
Jacob Vercler, Opportunity.

WISCONSIN.

Nora G. Egan, Highland.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 26, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, Thy testimonies are wonderful and Thy mercy endureth forever. Thy infinite abundance transcends all human thought and human need. We thank Thee for such bountiful provisions which are bestowed with all tenderness and ministration of life. Graciously help us to understand all problems which are uppermost in the minds of the people. In all our service may nothing be omitted that will build up the great and traditional institutions of our Republic. To the frail, magnify Thy strength; to the erring, turn Thy eye of pity and compassion; and with us all may weakness go and strength come. At the close of the day, when we sit alone with our thoughts, grant us great peace. In the name of Jesus. Amen.

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

QUESTION OF PRIVILEGE.

The SPEAKER. This is Calendar Wednesday.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to a question of privilege and desire to be heard.

The SPEAKER. Does the gentleman think it is in order on Calendar Wednesday?

Mr. JOHNSON of South Dakota. I think it is entirely in order to rise to a question of privilege at any time. It happens to be Friday, and the order making it Calendar Wednesday would not make it impossible for anyone to rise to a question of privilege.

The SPEAKER. The Chair is not certain whether it is in order or not. If it is an urgency, the Chair would not raise the question. The Chair would suggest that if the gentleman will wait until to-morrow it would avoid the question of Calendar Wednesday. The Chair might rule it out on that ground.

Mr. JOHNSON of South Dakota. I will say to the Chair that it is purely a matter of whether or not a Member may rise in his place and raise this question of privilege, and I should not desire to delay the matter until to-morrow, because I think it is a matter that ought to be presented to the House at the present time.

The SPEAKER. The Chair will point out to the gentleman that if he waited until to-morrow he would avoid the question of Calendar Wednesday.

Mr. JOHNSON of South Dakota. I desire also to advise the Speaker that if I did not raise the question to-day the entire parliamentary situation might possibly change because of a reconsideration of the rule by the Rules Committee.

The SPEAKER. The Chair will hear the gentleman.

Mr. WALSH. Mr. Speaker, I desire to ask the gentleman whether he is rising to a question of personal privilege or a question of privileges affecting the House

Mr. JOHNSON of South Dakota. I would say to the gentleman that it is a question of privileges affecting the House.

Mr. Speaker, on April 11, 1922, there was introduced in the House House Resolution 323 by the gentleman from Michigan [Mr. WOODRUFF], and as that resolution will have great bearing on the question of privilege I would like to have it read by the Clerk.

The SPEAKER. The Chair is familiar with it. The gentleman can have it printed. The Chair does not think it necessary to take up the time with it.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to have it printed.

The SPEAKER. Without objection it will be printed.

There was no objection.

The following is the resolution referred to:

House Resolution 323.

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint from the membership of this House a select committee of 15 Members for the Sixty-seventh Congress, and which said committee is hereby authorized to fully investigate all contracts and expenditures made by the War Department, or under its directions, the Navy Department, or under its directions, and the Alien Property Custodian, or under his direction, during and since the late war with Germany, and the settlement of any of such contracts by any officer or agent or department of the Government, and to investigate the criminal and civil prosecution, or lack of prosecution, of any or all of the claims of the Government arising out of such contracts, or the settlement thereof, by the Attorney General, the Alien Property Custodian, the Secretary of War, or the Secretary of the Navy, and in addition to the powers herein conferred shall have the same powers and authority as are now conferred by the rules of this House upon the standing Committee on Expenditures in the War Department. Said committee is hereby authorized to send for persons and papers, to administer oaths and affirmations, to take testimony, to sit during the sessions of the House and during any recess which may occur during its sessions, and may meet at such places as said committee deems advisable. Said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, and such subcommittees, when so appointed, are hereby authorized to send for persons and papers, to administer oaths and take testimony, and to meet at such times and places as said committee shall from time to time direct.

Resolved further, That said select committee shall report to the House, in one or more reports, as it may deem advisable, the result of its investigations, with such recommendations as it may care to make.

Resolved further, That the Speaker of the House is hereby authorized to issue subpœnas to witnesses, upon the request of said committee or any subcommittee thereof, during any recess of Congress during the sessions.

Resolved further, That the Sergeant at Arms of the House be directed to serve all subpœnas and other process put into his hands by said committee or any subcommittee thereof.

Mr. JOHNSON of South Dakota. Mr. Speaker, that resolution was sent to the Rules Committee, and on May 3 of this year it was ordered to be reported out by the Rules Committee on a motion which I made that the chairman of the committee be instructed to bring it before the House at the earliest possible moment.

Mr. CAMPBELL of Kansas. Mr. Speaker, no such language was contained in the motion. I think the gentleman should state that. The only motion was that the resolution should be reported out. There was not anything stated to us as to when it should be reported out; nothing of that kind.

Mr. JOHNSON of South Dakota. I would say to the gentleman, who, I know, desires to be accurate, that I made the motion myself, and perhaps he may not have clearly understood what I said, and I do not know what the minutes may show. I am talking from my own personal recollection, and I feel as confident that I made that statement as the gentleman is that he did not hear it. There will be no question of veracity involved.

The SPEAKER. The Chair must say, of course, that it is not in order to repeat what occurs in the committee. The records of the committee will show what occurred.

Mr. JOHNSON of South Dakota. I will say to the Speaker that the precedent on which I am relying, and which is absolutely in point, is a case wherein the same question was raised, and the Speaker at that time—Speaker Reed—permitted the Member of the House who stated the question of privilege to state the facts. Otherwise there was nothing on which the Speaker could rule.

In any event, this Resolution 323 was ordered to be reported by the Rules Committee.

Mr. WALSH. Mr. Speaker, I raise the point of order before any other discussion is indulged in that the gentleman should state the question of privilege involving the rights of the House. What is the question the gentleman is raising?

Mr. JOHNSON of South Dakota. I will say to the gentleman from Massachusetts that I think the Speaker understands full well what I am trying to present, and he has not raised any question but that I am coming to it in proper order.

Mr. WALSH. That is all right; but the Speaker is not the only one involved. There are others involved.

Mr. JOHNSON of South Dakota. Of course, every Member of Congress is interested.

The SPEAKER. The gentleman has the right to ask that the gentleman proceed in the regular order.

Mr. JOHNSON of South Dakota. I will say that I am coming to the point now.

This resolution was not reported by the chairman of the Rules Committee, but it has been resting in his pocket since May 3, and it is very evident there is no intention on the part of the chairman of the Rules Committee to report it. I do not question the motive of the chairman of the Rules Committee. I will say that if this statement is out of order, I hope the gentleman from Massachusetts will not make a point of order. I know that the chairman of the Rules Committee is just as anxious as any citizen of the United States to see that anyone who wrongfully took money from the Government on war contracts during the late war should be prosecuted.

Mr. MONDELL. Mr. Speaker, I must make the point of order that the gentleman address himself to the question of privilege.

The SPEAKER. The gentleman from Wyoming is, of course, correct. The gentleman is right in insisting that the gentleman from South Dakota shall address himself to the question of privilege.

Mr. MONDELL. I suggest that a great deal of conversation and argument might be made on general questions and problems, but the case before the House is a question of privilege.

Mr. JOHNSON of South Dakota. I am very sorry that the gentleman from Wyoming will not allow me to give my high opinion of the integrity and statesmanship of the gentleman from Kansas, the chairman of the Rules Committee. It is not my fault if I am not allowed to do so.

Mr. MONDELL. It is not within the province of the gentleman from South Dakota to do so. We all know the high character and statesmanship of the gentleman from Kansas [Mr. CAMPBELL]. That has not been questioned by anyone.

Mr. JOHNSON of South Dakota. And ought to be stated at all times. In any event, this resolution was never reported to the House, but is still quietly resting and reposing in the pocket of the chairman of the Rules Committee.

Mr. GARNER. Mr. Speaker, will the gentleman yield for a question in that particular?

Mr. JOHNSON of South Dakota. I yield.

Mr. GARNER. I did not understand how the gentleman comes to the conclusion that the gentleman from Kansas [Mr. CAMPBELL] is such a great statesman, when he says he has still got the rule in his pocket. [Laughter.]

The SPEAKER. The Chair desires to state to the gentleman that he wishes the debate to be confined to the point of order.

Mr. JOHNSON of South Dakota. The question of privilege, Mr. Speaker, is this: Whenever a resolution is ordered reported by a committee of the House, and that committee has spoken, the House is entitled to have the action of that committee translated into action and the report of the committee given to the House. If that were not true, Mr. Speaker, to use this illustration, suppose, for instance, the great Committee on Interstate and Foreign Commerce should by practically a unanimous vote report a bill repealing the Esch-Cummins law, and then suppose the chairman of the Committee on Interstate and Foreign Commerce should refuse to report that out.

The SPEAKER. The Chair recognizes that.

Mr. JOHNSON of South Dakota. That would impede the business of the House. This is impeding the business of the House. A case identical with this came before the House on January 23, 1891.

The SPEAKER. The Chair has read that decision and is perfectly familiar with it.

Mr. JOHNSON of South Dakota. May I say to the Speaker that while undoubtedly the Chair is familiar with this case, because I discussed it with the House parliamentarian some time ago, the membership of the House is not. It might come to the point where an appeal might be taken from the decision of the Chair, and the House, when it passes upon the question, should be familiar with the facts in this case and the prior decision of the Speaker of the House.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. JOHNSON of South Dakota. This identical case came up, I say, on January 23, 1891, when a resolution came up to investigate the Commissioner of Pensions for fraud in real estate deals in the District of Columbia, and the committee to which it was referred decided that that resolution of investigation should be reported to the House. The chairman of the committee, Mr. Morrill, claimed that he had filed the report,

but it could never be found, and Mr. Cooper of Indiana rose and made the identical motion I make to-day and raised this same question of privilege. There was a good deal of debate pro and con. A Member of this House, William McKinley, jr., of Ohio, made the same point of order that is to-day made by the gentleman from Massachusetts [Mr. WALSH]. At that time Speaker Reed was Speaker of the House, and he made the following ruling. He said:

The statement made by the gentleman from Indiana [Mr. Cooper] is that a committee of this House adopted a resolution to report, for re-reference by the House under the twenty-second rule, resolutions which had been referred to that committee in regular order. He states that a considerable length of time has elapsed since that action was taken by the committee to which the original resolution was referred, and he claims that this is a question of privilege involving the rights of the House and its method of doing business. The Chair thinks it is plainly so; that, the committee having ordered a report of that kind, it should have been made in a reasonable time, and that the House has a right to make inquiry into the matter and to decide what ought to be done under the circumstances.

That is exactly this situation. It has been stated by the majority leader—it was so stated yesterday and the day before—that the House is very soon going to have three-day recesses. If the question of the adoption of this resolution is to come before the House it must come now. If it is postponed even for a few days it will mean the membership of the House will never have an opportunity to vote upon it. Therefore the construction of the word "reasonable," which is the only point upon which the postponement of this resolution can be based—an interpretation of that—is that it must be immediately brought to the attention of the House.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. MOORE of Virginia. A point that bears, it seems to me, strictly upon the question that we have here is that recently the matter of this resolution was brought before the House by some interrogation of the chairman of the Committee on Rules and the chairman of the Committee on Rules gave the House to understand that he did not propose to report the resolution.

The question was put to him as to whether he intended to report the resolution, and he indicated reasons why he did not think it desirable, and then when the question was further asked as to whether it was his right to decline to report the resolution, he said he was answerable only to his committee——

Mr. CAMPBELL of Kansas. And to the majority of the House.

Mr. MOORE of Virginia. No, sir; simply answerable to his committee.

Mr. CAMPBELL of Kansas. I think the record will show otherwise.

Mr. MOORE of Virginia. No. The record is here. The gentleman has declined in substance to report, and, in fact, has said that he did not intend to report.

Mr. JOHNSON of South Dakota. I think that question can be settled very easily. The chairman of the Committee on Rules is here. He can say in one moment whether or not he intends to report it. By silence he can convey the idea that he never does intend to report it.

The SPEAKER. The Chair would like to ask the gentleman one question. Is this the earliest rule that is now in the hands of the Committee on Rules?

Mr. JOHNSON of South Dakota. I do not know how many rules, Mr. Speaker, the chairman of the Committee on Rules has in his pocket. I am not saying that in any spirit of levity or desire to criticize. I remember that there were a number of rules reported by the Committee on Rules, all reported on the same day, May 3. The fact that one may have come up before the other would make no difference, because we have had no meeting of the committee since May 3.

Mr. MONDELL. I think at least one, or perhaps two, rules were voted by the committee long before this that have not been presented to the House so far, because the business of the House has not been such as to make it possible. The report on the Senate bill 539, the railroad valuation bill, we have been trying to reach for some time. It is now set down for next Friday. That report was made some weeks before the report on the bill in question.

Now, will the gentleman from South Dakota yield for a question?

Mr. JOHNSON of South Dakota. I would like to answer that before I yield for a question. The gentleman from Wyoming brings up the question that there are several of these other rules now pending. Now, I would like to ask the gentleman while he is on the floor if it is not his intention to kill this resolution and never bring it up?

Mr. MONDELL. I do not think the gentleman from South Dakota has the right to ask me that question. I do not think I am under any obligations to answer it. However, if it is a matter of interest to the gentleman I will say I do not approve the resolution of the gentleman.

Mr. JOHNSON of South Dakota. I have no objection to hearing the statement of the gentleman.

Mr. MONDELL. I do not approve it, and I never have approved it. I do not think the passage of the resolution would expedite, but rather would delay, the prosecution of those who may have defrauded the Government.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I have the floor for a moment?

Mr. MONDELL. However, my opinion in regard to the matter does not necessarily affect its consideration. There have been matters considered before now in the House—I have, in fact, assisted in helping to secure consideration of matters that I did not wholly approve. I am not necessarily called upon to approve the action of a committee, and I did not approve its action in this particular case. Now, will the gentleman answer my question with regard to a statement that he made just a moment ago? He made a statement to the effect that the case that he had cited was on all fours with this case. In that case there was a select committee, not a standing committee but a select committee of the House that had made a certain report or authorized the making of a certain report. That was an investigating committee. This case is not at all on all fours with that case. Here is a standing committee of the House, to wit, the Committee on Rules, and yet I understood the gentleman from South Dakota to say that the cases were identical. They are far from being identical.

Mr. JOHNSON of South Dakota. May I ask the gentleman right there to point out any precedent in this House where a different rule has been applied to a standing committee and a select committee?

Mr. MONDELL. There are many cases.

Mr. JOHNSON of South Dakota. I would like to have the gentleman point out one.

Mr. MONDELL. The same rules do not necessarily apply by any manner of means. I do not want to interrupt the gentleman's discussion, but may I make this suggestion, that if it be held that the moment the Committee on Rules authorizes a rule for the consideration of business the matter becomes a question of privilege of the House which any Member may demand consideration of, we shall have some difficulty first in securing rules from the Committee on Rules, and we will have very much more difficulty in the transaction of the business of the House in an orderly way. If a report from the Committee on Rules must be submitted instanter, forthwith, and in advance of other reports from the Committee on Rules because some gentleman sees fit to demand it, then we shall be confronted with a situation under which it will be impossible to have the orderly consideration of business in the House.

Mr. JOHNSON of South Dakota. I will say to the gentleman that that is easily answerable. The Rules Committee as it passes each rule can determine absolutely in what order that rule shall be brought up. It has not been done heretofore, but it can be done at any time, providing that the rules adopted by the Rules Committee be brought up in a certain order. The Rules Committee can always control that.

Mr. MONDELL. It is utterly impossible to adopt any such rule as that. The Committee on Rules can not in the nature of things know how much time will be consumed in the consideration of privileged business. Committees having legislation that is privileged may occupy the time of the House for days and weeks, making it utterly impossible to bring in a special rule.

Mr. JOHNSON of South Dakota. I will say to the gentleman that that is easily answerable, because the Rules Committee in one provision of the rule could say, "This shall be brought out at the discretion of the chairman of the Rules Committee," and the committee can make the order discretionary with the chairman.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Massachusetts.

Mr. WALSH. Is the gentleman's question of privilege directed to the fact that the chairman of the Rules Committee has not attempted to secure recognition from the Speaker to bring this resolution before the House, or to the fact that the chairman of the Rules Committee has not reported a resolution which was passed by the committee?

Mr. JOHNSON of South Dakota. It goes to both. In the first place, I will say it goes further than the gentleman from Massachusetts has stated the question. The question is brought before

the House because I am firmly of the conviction that the chairman of the Rules Committee intends never to report the resolution.

Mr. WALSH. What he intends to do has nothing to do with the point the gentleman is raising. The question I have asked is, Whether the question of privilege affecting the rights of the House goes to the fact that the chairman of the Rules Committee has not risen in his place upon the floor and asked recognition of the Speaker to bring up that resolution, or whether it is directed to the failure of the chairman of the Rules Committee to report the resolution that the committee had authorized him to report?

Mr. JOHNSON of South Dakota. I will say to the gentleman from Massachusetts that my objection is taken to both. But for the purpose of the decision of the Chair in this case it is not necessary to enter into that discussion, because I have raised both questions, the failure to report——

Mr. WALSH. Then I make the point of order——

Mr. JOHNSON of South Dakota. Let me finish. The failure to report and the failure to rise in his place and bring it up. It is upon both those points.

Mr. WALSH. Mr. Speaker, I make the point of order that the gentleman from South Dakota has not stated a question of privilege affecting the rights of the House.

Mr. MOORE of Virginia. Will the gentleman permit me to make just one observation?

Mr. WALSH. Certainly.

Mr. MOORE of Virginia. I stated a moment ago that the gentleman from Kansas, at the time when he indicated that he did not intend to report the resolution, pleaded, as I understood him, that he was accountable only to his committee. I find that he did add the words "and to the majority of the House." Now, I conceive that the effort is now being made, presumably and probably by the majority of the House, to require him to report that resolution.

Mr. CRISP. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I yield to the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, if I may, I just want to address the Chair for a moment or two.

Mr. Speaker, I have no interest in this controversy between my good friends on the other side, and I am frank to say that I am not concerned about whether this special investigating committee is authorized or not; but I am profoundly interested, and every Member of this House is interested, in the honor and dignity and rights of the House collectively being preserved and maintained. As I understand it, that is the question presented by the point of order raised by the gentleman from South Dakota. I have read section 2609 of Hinds' Precedents, which is the precedent cited by the gentleman. That case arose when Mr. Reed was Speaker of the House. I think it is universally conceded that this House has never had an abler parliamentarian in the chair than Mr. Reed. Now, the Speaker occupies to some extent the position and performs to some extent the functions of a court. A court can take judicial cognizance of what happens in the presence of the court, and the Speaker can take cognizance of what transpires in this body. It seems to be conceded that the question that is presented to the Speaker is that the Committee on Rules has directed its chairman to present to the House a rule providing for the consideration of the Woodruff resolution. The precedent cited ruled by Speaker Reed held that when there has been a reasonable time for the committee chairman to present a rule that he has been directed to report, and he has not done it, it presents a question of privilege, for, said he in that decision, if that is not true one Member of the House can absolutely thwart and undo the action of his committee. Now, it seems to me, Mr. Speaker, that if the committee direct one of its members to report a resolution providing an order of business, unless that committee rescinds its action by reconsidering its action, taking away or withdrawing the instructions to the member to report it, that member is obligated to do it within a reasonable time; and if he fails to do it I think the House is interested, because certainly the agent is not the equal of his principal, and certainly no one member of the committee should be given the power to block the action of a majority of his committee.

Now, Mr. Speaker, the rule provides that it shall always be in order to report a rule from the Committee on Rules providing for order of business, except possibly on Calendar Wednesday. If a member of the Committee on Rules makes a report to the House it does not follow necessarily that the House is going to adopt it or consider the resolution.

It is a privileged report, and the gentleman can not make a report of this character by dropping it in the basket; he must present it from the floor, and if the House does not want to consider it, the House can refuse to consider the resolution, and that is the end of it. As I said at the outset, I am not interested in this controversy between my friends on the other side, but I do think, admitting the facts which seem to be conceded, that it is undoubtedly a privileged motion that the gentleman from South Dakota makes.

Mr. WALSH. Will the gentleman permit an inquiry?

Mr. CRISP. I will.

Mr. WALSH. Has the Committee on Rules any jurisdiction as to directing its chairman or other member authorized to report a resolution when he shall call it up?

Mr. CRISP. I think it comes down to the good faith. I think the Committee on Rules could direct a member to report a rule instanter, or the very first time that the Speaker would recognize him, but that is not involved here.

Mr. WALSH. That is involved in the gentleman's argument.

Mr. CRISP. In this case, there being no specific instructions when the report should be made, I think it should be reported in a reasonable time, and whether the chairman of the committee is trying in good faith to carry out the instructions of the committee is the controlling question.

Mr. WALSH. Will the gentleman state if the Committee on Rules had instructed the chairman to seek recognition at 2 o'clock on a certain day, if he did not do it, would that involve a question of privilege?

Mr. CRISP. I do not think so; I do not think that is a reasonable time. But if I were the chairman of the committee I would make a strenuous effort to get recognition at 2 o'clock.

Mr. WALSH. Suppose the Speaker would not recognize him.

Mr. CRISP. Well, I would have done all I could, and I could do no more.

Mr. WALSH. Does the gentleman think that would be a basis for a privileged question?

Mr. CRISP. No; I do not think it would be a reasonable time. I admit that it has got to be a reasonable time, but I think the Chair in passing on the question can take cognizance of everything that has transpired within this body in determining whether the member who is directed to report the rule is acting in good faith and is seeking to carry out the instructions of his committee.

Mr. JOHNSON of South Dakota. Mr. Speaker, in relation to what is a reasonable time, if the Committee on Rules orders the chairman to report the resolution, and within 20 minutes he says he will not report it, says so directly or by inference, then the reasonable time has expired. That is the exact case in this particular case, because the chairman of the Committee on Rules does not intend to report the resolution. If he would say definitely at this time that he expects to report it and move its adoption, then the question of reasonable time might come in.

The SPEAKER. The Chair is ready to rule. The gentleman from Georgia has stated explicitly and clearly the purpose and bearing of the rule, and the only decision the Chair is aware of is the one cited by the gentleman from North Dakota of Mr. Reed, whose reputation and intellect entitle it to great weight. The Chair thinks, according to that authority, the question is whether the chairman of the Committee on Rules makes his report in a reasonable time. There is a question whether this can come up on Calendar Wednesday, but the Chair waives that. In the case decided by Mr. Reed the committee had waited from September until January without making any report. It appears that in this case the Committee on Rules has adopted within the last month a number of rules, including this, and has instructed the chairman to report them. There is at least one that is much older than this still pending, and there are others which are a little older. According to the argument made by the gentleman from North Dakota, if he is correct, if he has the right to raise the question of privilege, then anybody interested in the adoption of any one of the rules which were adopted by the Committee on Rules previous to this one has still more right to come forward and demand its consideration. If we should adopt the doctrine that when the Committee on Rules had adopted several rules any individual interested in one of these rules had the right, as a matter of the privilege of the House, to rise and claim that that rule should immediately be reported, and that it was unreasonable for the chairman to withhold it, the business of the House would be in confusion. Mr. Reed decided that it is a question of reasonable time. For some time the business of the House has been mostly on rules which have been reported by the chairman of the Committee on Rules. They are all of them in their time older than the one which the gentleman claims to call up.

If he could make that claim now, he could have made it at any time in the last weeks when we have been transacting business under the leadership and orders of the Committee on Rules, and any other Member interested in one of the other rules could

have insisted on his rule. That would occasion interminable confusion. Therefore it seems to the Chair that, inasmuch as the House has been largely occupied with these rules, at least until the Committee on Rules has disposed of the rules that are older than this one it is preposterous to claim that a gentleman can rise as a matter of privilege and say that the chairman of the Committee on Rules is unreasonable in not bringing up this junior rule. Of course, this is under the complete control of the Committee on Rules, which can at any time instruct its chairman in what order to bring up its bills. The Chair, therefore, sustains the point of order, without considering the question of whether Calendar Wednesday business should be interrupted by this matter or not.

Mr. MOORE of Virginia. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. MOORE of Virginia. Take a case in which a committee has directed a report to be made, and it appears from the proceedings had in the House, in the presence of the Speaker, that it is not the purpose of the chairman of the committee to make the report, or let us suppose that the Speaker otherwise has knowledge of the fact that there is no intention to make a report, then in such case is the House helpless?

The SPEAKER. It seems to the Chair it is not reasonable to bring that question up until the other rules which are older than this one in point of time have been disposed of.

Mr. JOHNSON of South Dakota. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mr. MONDELL. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER. The gentleman from South Dakota appeals from the decision of the Chair. The gentleman from Wyoming moves to lay that appeal on the table. The question is on laying the appeal on the table.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Dakota) there were—ayes 69, noes 48.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from South Dakota makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Wyoming to lay on the table the appeal of the gentleman from South Dakota from the decision of the Chair.

The question was taken, and there were—yeas 149, nays 114, not voting 168, as follows:

YEAS—149.

Ackerman	Elliott	Lineberger	Robsion
Ansorge	Ellis	Little	Rose
Anthony	Fairfield	Longworth	Rosenbloom
Bacharach	Faust	Luce	Rossdale
Barbour	Fenn	Luhring	Schall
Beedy	Foster	McCormick	Shaw
Begg	Freeman	McLaughlin, Mich.	Shelton
Benham	Fuller	McLaughlin, Nebr.	Sinnott
Bird	Gernerd	MacGregor	Slemp
Bixler	Glynn	Madden	Smith, Idaho
Blakeney	Gorman	Magee	Smith, Mich.
Bowers	Graham, Ill.	Mapes	Snell
Brennan	Green, Iowa	Michener	Speaks
Brooks, Ill.	Greene, Mass.	Miller	Sproul
Brown, Tenn.	Greene, Vt.	Millspaugh	Steenerson
Burdick	Hadley	Mondell	Stephens
Burroughs	Hardy, Colo.	Montoya	Taylor, N. J.
Burtness	Hawley	Moores, Ind.	Temple
Burton	Hersey	Morgan	Thompson
Cable	Hickey	Morin	Timberlake
Campbell, Kans.	Hicks	Mott	Tincher
Campbell, Pa.	Hill	Nelson, Me.	Towner
Cannon	Hoch	Newton, Minn.	Underhill
Chalmers	Hogan	Norton	Volstead
Chandler, N. Y.	Hukriede	Ogden	Walsh
Chindblom	Hull	Osborne	Webster
Clouse	Husted	Parker, N. Y.	Wheeler
Colton	Hutchinson	Patterson, Mo.	White, Kans.
Cooper, Ohio	Kearns	Patterson, N. J.	White, Me.
Crago	Kelly, Pa.	Porter	Winslow
Crowther	Ketcham	Pringey	Woodyard
Curry	Kissel	Purnell	Wurzbach
Dale	Kline, N. Y.	Ramseyer	Wyant
Dallinger	Kline, Pa.	Reed, N. Y.	Yates
Darrow	Larson, Minn.	Reed, W. Va.	Young
Dyer	Lawrence	Ricketts	
Echols	Leatherwood	Roach	
Edmonds	Lee, N. Y.	Robertson	

NAYS—114.

Almon	Briggs	Christopherson	Dominick
Aswell	Browne, Wis.	Clague	Doughton
Bankhead	Buchanan	Collier	Drewry
Bell	Bulwinkle	Connally, Tex.	Dupré
Black	Burke	Cooper, Wis.	Favrot
Bland, Va.	Byrnes, S. C.	Crisp	Fish
Blanton	Byrns, Tenn.	Cullen	Fisher
Bowling	Carew	Davis, Tenn.	Fulmer
Box	Carter	Deal	Funk
Gahn	Lampert	Oliver	Swing
Garner	Lanham	Overstreet	Thomas
Garrett, Tex.	Lankford	Park, Ga.	Tillman
Gensman	Larsen, Ga.	Parks, Ark.	Tucker
Gilbert	Lazaro	Pou	Tyson
Hammer	Lea, Calif.	Quin	Upshaw
Hardy, Tex.	Logan	Raker	Vinson
Harrison	London	Rankin	Ward, N. C.
Hawes	Lowrey	Reece	Weaver
Herrick	Lyon	Rucker	Williams, Tex.
Hooker	McClintic	Sanders, Tex.	Williamson
Huddleston	McDuffie	Sandlin	Wilson
Humphreys	McSwain	Scott, Tenn.	Wingo
Jacoway	Martin	Sinclair	Wise
James	Mead	Steagall	Woodruff
Johnson, Ky.	Montague	Stedman	Woods, Va.
Johnson, Miss.	Moore, Va.	Stevenson	Wright
Johnson, S. Dak.	Newton, Mo.	Summers, Wash.	Zihlman
Keller	Nolan	Sumners, Tex.	
King	O'Connor	Swank	

NOT VOTING—168.

Anderson	Fields	Kraus	Riddick
Andrew, Mass.	Fitzgerald	Kreider	Riordan
Andrews, Nebr.	Focht	Kunz	Rodenberg
Appleby	Fordney	Langley	Rogers
Arentz	Frear	Layton	Rouse
Atkeson	Free	Lee, Ga.	Ryan
Barkley	French	Lehlbach	Sabath
Beck	Frothingham	Linthicum	Sanders, Ind.
Bland, Ind.	Gallivan	McArthur	Sanders, N. Y.
Boies	Garrett, Tenn.	McFadden	Scott, Mich.
Bond	Goldsborough	McKenzie	Sears
Brand	Goodykoontz	McLaughlin, Pa.	Shreve
Britten	Gould	McPherson	Siegel
Brooks, Pa.	Graham, Pa.	Maloney	Sisson
Butler	Griest	Mann	Smithwick
Cantrill	Griffin	Mansfield	Snyder
Chandler, Okla.	Haugen	Merritt	Stafford
Clark, Fla.	Hayden	Michaelson	Stiness
Clarke, N. Y.	Hays	Mills	Stoll
Classon	Henry	Moore, Ill.	Strong, Kans.
Cockran	Himes	Moore, Ohio	Strong, Pa.
Codd	Hudspeth	Mudd	Sullivan
Cole, Iowa	Ireland	Murphy	Sweet
Cole, Ohio	Jefferis, Nebr.	Nelson, A. P.	Tague
Collins	Jeffers, Ala.	Nelson, J. M.	Taylor, Ark.
Connell	Johnson, Wash.	O'Brien	Taylor, Colo.
Connolly, Pa.	Jones, Pa.	Oldfield	Taylor, Tenn.
Copley	Jones, Tex.	Olpp	Ten Eyck
Coughlin	Kahn	Padgett	Tilson
Cramton	Kelley, Mich.	Paige	Tinkham
Davis, Minn.	Kendall	Parker, N. J.	Treadway
Dempsey	Kennedy	Perkins	Vaile
Denison	Kiess	Perlman	Vare
Dickinson	Kincheloe	Petersen	Vestal
Dowell	Kindred	Radcliffe	Voigt
Drane	Kinkaid	Rainey, Ala.	Volk
Driver	Kirkpatrick	Rainey, Ill	Walters
Dunbar	Kitchin	Ransley	Ward, N. Y.
Dunn	Kleczka	Rayburn	Wason
Evans	Knight	Reavis	Watson
Fairchild	Knutson	Reber	Williams, Ill.
Fess	Kopp	Rhodes	Wood, Ind.

So the motion to lay on the table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Goodykoontz (for) with Mr. Garrett of Tennessee (against).

Mr. Snyder (for) with Mr. Oldfield (against).

Mr. Fess (for) with Mr. Knight (against).

Mr. Atkeson (for) with Mr. Gallivan (against).

Mr. McArthur (for) with Mr. O'Brien (against).

Mr. Knutson (for) with Mr. Jones of Texas (against).

Mr. McPherson (for) with Mr. Rainey of Illinois (against).

Mr. Treadway (for) with Mr. Cockran (against).

Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Paige (for) with Mr. Sullivan (against).

Mr. Bland of Indiana (for) with Mr. Brand (against).

Mr. Kendall (for) with Mr. Driver (against).

Mr. Moore of Ohio (for) with Mr. Hayden (against).

Mr. Nelson, A. P. (for) with Mr. Lee of Georgia (against).

Mr. Perkins (for) with Mr. Rouse (against).

Mr. Michaelson (for) with Mr. Cantrill (against).

Mr. Johnson of Washington (for) with Mr. Kitchin (against).

Mr. Butler (for) with Mr. Sisson (against).

Mr. Appleby (for) with Mr. Tague (against).

Mr. Kennedy (for) with Mr. Riordan (against).

Mr. Maloney (for) with Mr. Goldsborough (against).

Mr. Henry (for) with Mr. Barkley (against).

Mr. Griest (for) with Mr. Rayburn (against).

Mr. Coughlin (for) with Mr. Ten Eyck (against).

Mr. Bond (for) with Mr. Jeffers of Alabama (against).

Mr. Kiess (for) with Mr. Kincheloe (against).

Mr. Olpp (for) with Mr. Sears (against).

Mr. Perlman (for) with Mr. Taylor of Colorado (against).

Mr. Kreider (for) with Mr. Kunz (against).

Mr. Fitzgerald (for) with Mr. Collins (against).

Mr. Volk (for) with Mr. Kindred (against).

Mr. Radcliffe (for) with Mr. Jeffers of Alabama (against).

Mr. Dickinson (for) with Mr. Sabath (against).
Mr. Lehlbach (for) with Mr. Linthicum (against).
Mr. Sanders of Indiana (for) with Mr. Drane (against).
Mr. Frothingham (for) with Mr. Stoll (against).
Mr. Vare (for) with Mr. Taylor of Arkansas (against).
Mr. Evans (for) with Mr. Smithwick (against).
Mr. Murphy (for) with Mr. Fields (against).
Mr. Graham of Pennsylvania (for) with Mr. Griffin (against).
Mr. Siegel (for) with Mr. Hudspeth (against).
Mr. Chandler of Oklahoma (for) with Mr. Mansfield (against).
Mr. Stiness (for) with Mr. Rainey of Alabama (against).
General pair:
Mr. Dowell with Mr. Padgett.
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the pending grain grades bill with a short article included by Doctor Palmer, chief inspector of grain in North Dakota.

Mr. GARNER. Mr. Speaker, it will facilitate the transaction of business if the gentleman would speak so that we could hear him, and then he would not have to repeat what he says.

Mr. STEENERSON. I ask unanimous consent to extend my remarks on the pending grain grades bill with a short article therein contained from Doctor Palmer, chief inspector of grain, North Dakota, to be printed in 8-point type, the same as the other.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the grain grades bill with an article by Doctor Palmer, to be printed as part of his remarks in 8-point type. Is there objection?

Mr. GARNER. Reserving the right to object, I do not have any objection to the extension of these remarks, but it has been the policy of the gentleman from Massachusetts to object to these extensions of articles by outside people and that it ought to be presented to the committee having charge. I think it is a good policy, but I do not want to take up the policy myself and be responsible, and I merely call attention, and, not seeing the gentleman from Massachusetts on the floor of the House, I will ask the gentleman if he does not desire to withdraw the request until he can see the gentleman from Massachusetts?

Mr. WALSH. Oh, well, the gentleman from Massachusetts is always on the floor. The gentleman from Texas has become so active and alert in reference to these matters of late that all I have had to do is to keep silent and let the gentleman from Texas take care of the situation. I have no objection to this extension, because it is an article incorporated in the remarks of a Member and pertinent to a bill under consideration.

Mr. GARNER. Do I understand the gentleman to say all a Member has to do is to incorporate an article of somebody else in remarks of his own?

Mr. WALSH. I did not say any such thing.

Mr. GARNER. The gentleman said he was incorporating an article in his own remarks; that all that you have to do is to incorporate an article of a man from Massachusetts or some other part of the country in his own remarks and that he can put those in. There ought to be some definite policy with regard to this matter——

Mr. WALSH. Why does not the gentleman start a policy and follow it?

Mr. GARNER. I want to follow the policy of the gentleman from Massachusetts, but I can not tell which way the gentleman is going.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Speaker, under the grain standards act of August 11, 1916, the Secretary of Agriculture was authorized to fix standards and grades of grain. In 1917 he proceeded to fix standards and grades for wheat, including spring wheat. The farmers of the spring-wheat States objected, and numerous hearings were held on the proposed regulations, but they were adopted substantially as first proposed by the Bureau of Markets and promulgated by the Secretary and put into operation. Experience proved that the objections of the wheat growers were well founded, and during the war these objections were accentuated by the fact that the Food Administration took control of all buying and fixed all prices according to grade, so that sale by sample, where the milling value of the wheat would be taken into account, was done away with.

As soon as the war was over the spring-wheat farmers renewed their applications for modification, first before Secretary Meredith without result, and then a year ago before Secretary Wallace, who promised to make an investigation by experts. He appointed Dr. John Lee Coulter, now of the North Dakota Agricultural College, and Mr. Fitz, in charge of milling operations at the University of Kansas. They spent several months in the field and made a report recommending changes. This report was made public last month. The principal changes they recommended were the elimination of moisture and foreign material as grade factors. This corresponds exactly with the provisions of the Steenerson grain grading bill which was introduced nearly a year ago—H. R. 7401—and reintroduced with Committee amendments and ammendments correcting some typographical errors, and is now H. R. 9668.

Elaborate hearings were held on the first-mentioned bill, which resulted in the committee favorably reporting the bill. A supplemental hearing was held, at which the millers and the representatives of the grain trade were heard. Two things should be borne in mind: The present regulations classify foreign material in wheat as separable and inseparable—that which can readily be separated in ordinary warehouses and fanning mills is classed as dockage, and that is deducted from the total weight and is not paid for by the purchaser. The other foreign material is classed as inseparable and consists chiefly of weed seeds, such as cockle, wild peas, and kinghead. These can be separated in terminal elevators and mills where they have suitable machinery at an expense of not more than 5 cents per bushel. It is not necessary to take out all of this material, for the rules permit 1 per cent even in No. 1. The evidence shows that to that extent all foreign material can readily be removed. The presence of so-called inseparable material in wheat is now regarded as a grading factor, and more than one-half of 1 per cent reduces the grade from No. 1 to No. 2, and so on, until No. 5, the lowest grade except sample, may contain 5 per cent of inseparable foreign material.

The grade is determined on samples taken from each car on arrival at terminal market, and the dockage and inseparable matter is ascertained by running the same twice over the sieves. In many instances by running it over the sieves three times all foreign material down to 1 per cent or less is taken out. The Bureau of Markets, however, has issued orders to all inspection officers in the spring-wheat region not to run samples over the sieves more than twice, and if it is not then clear of excessive foreign matter it is graded down. This probably accounts for the conflict of evidence as to practicability of cleaning wheat that appeared in the testimony at the hearings. The fact remains that a third or even a fourth cleaning might raise the grade from 3 to 1 and the price 20 cents, at a cost of not exceeding 4 cents.

There is no question but that all weed seeds in excess of the 1 per cent allowed can be readily cleaned out, but for grading purposes the Federal authority forbids this, unless it can be done by two cleanings.

Moisture is also regarded as a grading factor and 14 per cent is the maximum allowed in No. 1, 14½ per cent in No. 2, 15 per cent in No. 3, and 16 per cent in Nos. 4 and 5. The other grading factors are principally test weight, 58 pounds being required for No. 1, 57 pounds for No. 2, 55 pounds for No. 3, 53 pounds for No. 4, and 50 pounds for No. 5. No. 1 may contain 2 per cent of damaged kernels, with one-tenth of 1 per cent heat-damaged kernels; No. 2 may contain 4 per cent damaged kernels, with two-tenths of 1 per cent heat-damaged kernels; No. 3 may contain 7 per cent damaged kernels, with five-tenths of 1 per cent heat-damaged kernels; No. 4 may contain 10 per cent damaged kernels, with 1 per cent heat-damaged kernels; and No. 5 may contain 15 per cent damaged kernels, with 3 per cent heat-damaged kernels.

It will be noted that the other grading factors, the principal one of which is test weight, are permanent merits or defects which can not be changed by manipulation, but excessive moisture and foreign material can be removed by handling in the mill elevators. In the administration of the regulations one of these defects, for instance 15 per cent moisture, puts the wheat down to No. 3, although it is perfect in every other respect and its value is within 4 or 5 cents of the same kind of wheat with 14 per cent moisture. The same can be said of 16 per cent moisture, which puts it down to grades 4 and 5. This operates against the farmer who sells or delivers his wheat to the local elevator, because there they must grade according to the written rules and no credit is given for the fact that it is perfect wheat outside of the one defect. But the requirements for No. 2 permits more inseparable foreign material, more damaged kernels, and test weight of only 57 pounds, and so on through the list. If this perfect wheat graded down for excessive foreign material having more than 1 per cent to No. 3, it would be sold on arrival at the terminal in Minneapolis at the price of No. 3,

which may contain all the defects allowable in that grade, including the excessive moisture which renders it unstorable, at a price of at least 20 cents below the price of No. 1.

The rules of the Chamber of Commerce of Minneapolis make No. 1 Northern Spring contract grade; No. 2 is deliverable at 3 cents a bushel discount, and No. 4 at 20 cents discount, showing that the grade price of No. 3 is based upon wheat which has been so manipulated at the terminal elevators as to contain all the defects allowable at the great loss of the producer. If the farmer should, through the local elevator, ship this wheat graded down for 1 per cent of excessive moisture to Minneapolis and store it instead of taking out the moisture, it would probably be mixed with drier wheat of which there is usually plenty and then the elevator, when called to deliver the wheat, would deliver No. 3 with all defects. The cost of making this shipment No. 1 would not exceed 5 cents a bushel, but the producer loses at least 15 cents a bushel by the operation. The worst of this is that the prices reflected back to the local elevator is always the price of the grade, which in this instance is at least 15 cents or 20 cents below the real milling value of the wheat as determined by sample sales at Minneapolis.

Instead of adopting the recommendations of Fitz and Coulter, the Secretary leaves the grade requirements as they are, but proposes to issue instructions to grain inspectors at designated points to note on inspection certificates the kind and quantity of inseparable foreign material, other than dockage, and excessive moisture, with the remark "Otherwise No. 1" or No. 2, as the case may be. He also proposes to install a reporting system of cash sample market sales in Minneapolis and other terminals showing the price of each car of wheat in each grade. He does this on the theory that the price of each sample will be reflected back to the local elevator. This, however, is erroneous because good No. 1 wheat with a single defect will still be in the same grade as wheat with all the defects permitted in No. 4 and it will be the grade price, the low price in any particular grade, that will be reflected back to the country. Why he should go back on the report of his own expert commission is hard to understand.

I have submitted the question whether the new regulations are satisfactory to the State inspection authorities in Minnesota and North Dakota and to others interested in agriculture, and they all say that these regulations are no improvement over the present system and amount to a denial of any relief, as shown in the following telegram:

ST. PAUL, MINN., *May 23.*

Congressman HALVOR STEENERSON,
Washington:

Conference was held in my office Friday between members of Board of Grain Appeals inspection department and Mr. Owen, of Farm Stock and Home, and only thing agreed to was to press your bill, as the new rules are of no benefit to the northwestern producers. Our chief inspector, Tunnell, leaves for Washington to-night and will be with you as long as you want him. At the big meeting western part of State I interviewed hundreds of farmers and the opinion is that the only thing to do is to get the bill before Congress so you can explain that the northwestern producers are discriminated against.

Mr. Tunnell will give you full information. Answer.

O. P. B. JACOBSON.

The same view appears in the following article, written by Dr. W. C. Palmer, of the Fargo Agricultural College, and chief grain inspector for the State of North Dakota:

NO CHANGES IN HARD RED SPRING WHEAT GRADES.

[By Doctor Palmer, Chief Grain Inspector, North Dakota.]

"No changes will be made in the hard red spring wheat grades, according to the announcement sent out by H. C. Wallace, Secretary of Agriculture, on April 17, 1922. Repeated requests have been made to the Secretaries of Agriculture for changes in the hard red spring wheat grades. The Secretaries all promised to investigate. Secretary Wallace did appoint a committee to investigate, but set aside its report. It is doubtful if he could have selected a better committee.

"Dr. John Lee Coulter, then dean and director of the West Virginia Agricultural College and Experiment Station, but raised in the spring wheat territory, a student of agricultural economics, was a member of the committee. He has had an unusual experience, studying agricultural economics at several agricultural colleges, and made his studies practical by following such products as grain and cattle from the farm through the terminal to the finished product. He has taught agricultural economics, and is one of the outstanding authorities on this subject. During the period 1910 to 1914 he was chief of the agricultural census, United States Census Bureau. He has been sent to Europe by the Federal Government to make investigations into agricultural economic conditions there. Doctor Coulter's father still operates the home farm in the Red River Valley, on which Doctor Coulter was raised. Doctor Coulter's brothers also farm.

"Mr. L. A. Fitz, in charge of milling investigations at the Kansas Agricultural College, was the other member of this committee. Mr. Fitz, before going to Kansas, was located at the North Dakota Agricultural College, and had charge of milling investigations for the Federal Government, so that he is familiar with the milling of both spring and winter wheat, and has made a special study of the milling qualities of the different grades of wheat.

"This committee made careful study of the grain business as affected by grades, at terminal markets, milling centers, and at the local markets. Each made an independent report to the Secretary of Agriculture, but the reports were unanimous in recommending the dropping of moisture and foreign material other than dockage as grading factors, and that when these were in excess they should be designated on the grade certificate. This would have been a big improvement in the grades, as it would have made the wheat in the straight grades a higher quality wheat.

"Now, for instance, a grade 3 wheat may contain 15 per cent moisture or 0.6 pound more moisture in a bushel of No. 3 than in a bushel of No. 1, and 1.2 pounds more in a bushel of No. 4. This not only means that this amount of moisture must be paid for as wheat, but also that wheat with that much moisture is not a storable wheat. Yet if one buys No. 3 or 4 wheat by grade that contract will be fulfilled if wheat with that much moisture is delivered and the price reflected to the local market for these grades has to be largely fixed on the basis of wheat with that much moisture.

"Most of the wheat brought to the local market has less than 14 per cent of moisture. Why penalize all the wheat marketed in order to penalize the small amount of wheat containing too much moisture? The adoption of the committee report would have made the moisture in all straight grades 14 per cent, and any wheat with more moisture would be excess-moisture wheat, and it would be penalized in price; but there is no reason why it should be penalized any more in price if called excess-moisture wheat than if it is put down in grade and paid for on basis of low in the grade as at present. The price reflected to the local market on the straight grades would be on the basis of 14 per cent moisture wheat. This would be a storable wheat and could be bought on grade. The excess-moisture wheat could be sent to the drier, and for a very few cents per bushel the excess moisture can be taken out and the wheat be made a storable wheat. Designating wheat with excess moisture 'excess-moisture wheat' would also mean that such wheat could be rushed to the driers or otherwise handled so as to remove the excess moisture quite promptly, and so prevent any heating and resulting damage.

"Under the Federal grades a bushel of No. 3 wheat may contain 1.2 pounds foreign material other than dockage and a bushel of No. 4 wheat may contain 1.8 pounds. This means that if one buys No. 3 or 4 wheat by grade each may contain that much material not wheat that has to be paid for as wheat. That is not all; some of this material is difficult to remove, so that it may make the wheat less valuable. The price reflected to the local market is on the basis of wheat containing the maximum amount of these foreign materials. Only a very small amount of the wheat has these foreign materials, yet under the present standards in order to penalize this small amount of wheat all the wheat is penalized. The recommendation of the committee was to designate wheat with foreign materials as 'excess foreign material wheat' on the grade certificate. It is not likely that wheat with the foreign material, if sold as such, would be penalized any more than it is at present when reduced in grade. And then the great bulk of the wheat would sell on the basis of clean wheat and all wheat in the bushel.

"The present Federal grades legalize adulteration, and the only way to get full value when selling by grade is to adulterate the wheat to the limit set. The farmer is in no position to do this. This means that the bushel of wheat sold by the farmer is worth a good deal more than the bushel of wheat of the same grade shipped out of the terminal elevator, yet it is the terminal-elevator wheat that sets the price of the farmer's wheat.

"The Minneapolis Grain Trade has also made a sort of an indirect comment on the Federal grades, in that the rules of the chamber of commerce, promulgated in April, 1923, provide that No. 1 Northern Spring is contract grade, No. 2 Northern Spring is deliverable at 3 cents discount, and No. 3 at 20 cents discount. This is an unfair discount, for the great bulk of No. 3 wheat as it comes from the farm is good milling wheat; but when one realizes that the No. 3 wheat from the terminal elevators is not always a millable wheat, as it can be loaded up to the

limit. (To a bushel of farmer's wheat may be added 11 pounds of mixture, which might, for instance, contain 5½ pounds cheaper wheat, 4 pounds damaged wheat, 1 pound barley, and one-half pound cockle.) And this is the No. 3 that may be delivered on contract; the discount may not more than enable the taker to play safe. With moisture and the foreign materials removed as grading factors, there would be no need for such a big discount, as all straight grades would be good millable and storable wheat and would be all wheat.

"A study of cash sales on the Minneapolis terminal market brings out the fact that wheat in a single grade varies as much as 20 cents per bushel. This is so wide a spread that the grain trade has found it necessary to introduce some extra grades. These new grades are fancy 1, 2, and 3 dark northern spring, in addition to the regular 1, 2, and 3 dark northern spring provided for in the Federal grades. Closing cash prices are quoted on these fancy grades as well as on the regular grades. For March, fancy 1 dark northern spring averaged 8 cents over regular 1 dark northern spring; fancy 2 dark northern spring, 10 cents over No. 2 dark northern spring; fancy 3 dark northern spring, 12 cents over 3 dark northern spring.

"Eliminating moisture and foreign material other than dockage as grading factors will do a great deal to close up the grades, i. e., not to put as low-grade wheat into a grade as is allowed now. It is the price of the low in the grade that is reflected in the local market.

"Eliminating moisture and foreign material other than dockage as grading factors may close up the grades enough so that the grain trade will not need to use the fancy grades, or, if they are still maintained, the difference between the fancy and the regular grades will be less, and hence the regular grades will bring more nearly what they should on the local market.

"The grain trade has to play safe. If the standards allow of too low grades, some of the low in the grade may be received, and if the price is not on the low in the grade there would be a loss on the lot. Grades are not much good if too wide, as it pretty near makes transactions possible only on sample.

"Mr. J. Shanahan, of Buffalo, N. Y., representative of eastern millers at the Chicago hearing on the grades, April 10, 1922, stated that he could not buy hard red spring wheat by grade, but had to make several trips to the Northwest each year to buy wheat on sample. Minneapolis millers have also stated that they can not buy wheat for milling on contract under the Federal standards. The millers can not use the grades in buying hard red spring wheat, and the farmers do not get justice because of them, yet no change can be secured.

"The grades are also working a hardship on our export of wheat. Some foreign countries will not buy wheat from the United States. The wheat they get will not be the good wheat as raised on the farm, but it will be the terminal market wheat. If United States wheat is to have a standing on foreign markets, it must be graded on the basis of the clean wheat and not on the basis of the undesirable things that may be put into it.

"It is the old story of adulteration—that the adulterated article drives the pure article from the market when the sales are by grade. The only way to deal in the real article when adulteration is legalized is to deal by sample or under trade names. And to think that the Federal Department of Agriculture should legalize adulteration in grain when such a valiant fight has been put up to drive out adulteration in other things.

"The present standards on hard red spring wheat also work a hardship on the country grain dealer in this way: It is often desirable to store grain at the terminal market; but if the country grain dealer stores a carload of grain of a certain grade he would have a carload of the same grade delivered, but it would be terminal wheat made to grade, and might be worth 10 to 30 cents less per bushel than farm wheat put in store.

"The changes suggested by Doctor Coulter and Mr. Fitz that moisture and the foreign materials be dropped as grading factors would have remedied some of the worst defects in the Federal grain standards.

"Secretary Wallace, in a statement issued April 17, 1922, states that 'under present conditions it appears that the tendency at country buying points in the central Northwest is to pay an average or flat price for wheat which varies greatly in milling value, the grade being determined primarily on test weight per bushel.' Very little of the wheat marketed in North Dakota is down in grade except on test weight, but the same price is reflected to all parts of the State. The same price or 'flat price' goes to the territory where the wheat is free from the inseparables as well as to where king-heads, cockle, or wild peas abound. When the wheat contains king-heads, the king-heads have to be paid for as wheat, according to the Federal grades, and it is plain that wheat with king-heads is not as valuable as wheat without king-heads and that is all wheat. If the same price is reflected for wheat with king-heads as for wheat that is all wheat, it would seem to follow that either too much is paid for the wheat with king-heads or too little for wheat that is all wheat. In other words, the 'flat price' is on the basis of terminal grade wheat or wheat down on all factors and not on basis of farm-grade wheat, which is usually down on only one factor and hence is too low. If the grades were tightened up, as suggested by Doctor Coulter and Mr. Fitz, there would not be so much difference in value between terminal wheat and farm wheat in the same grade.

"Secretary Wallace further states that 'it is clear that the unsatisfactory condition at country buying points in the central Northwest is primarily due to poor grading and inadequate information on the part of the farmers as to the grades and price distinctions at terminal markets.' Secretary Wallace lays the blame on the grain buyers. But for argument's sake, anyway, suppose that the grading at the country buying points is done perfectly and that the farmers know the grades as well as the price distinctions at the terminal markets, and many of them do, how does that improve matters? The farmer brings in his grain and it is graded. The farmer knows that the price on wheat in that grade varies 20 cents a bushel when sold on the terminal market by sample, but the bottom price is the one reflected to the local elevator. The farmer may be in a position to bargain with the grain buyer, but how will the farmer and the grain buyer know how much the wheat will bring by sample over the low? Of course, the farmer can ship his wheat and consign it to a commission merchant to sell by sample. In this way he would come more nearly getting what his wheat is worth, but the grades would have nothing to do with that.

"As a remedy, Secretary Wallace has decided to make certain changes in the inspection rules so as to require inspectors to state, in addition to the grade of the wheat, adequate information as to the kind and quality of foreign material other than dockage and the amount of moisture when effective as grading factors, and as to what would be the grade of the wheat otherwise than on account of these grading factors. This added information will help the buyer, as he will know more nearly what he is getting.

"But how is that going to help the farmer? There is one way that the farmer can secure some advantage and that will be by sending a sample of the wheat to the nearest inspection department and have it graded. This added information will be on the grade certificate, then with a good market reporting service that will promptly bring the farmer information as to how grain similar in grade has sold on the sample market he would be in a position to bargain with the grain dealer. This added information would not change the grades; hence the price reflected to the local market will necessarily be on the basis of the low in the grade just the same.

"Secretary Wallace is planning a wireless crop reporting service. Dr. J. L. Coulter, president of the North Dakota Agricultural College, has already taken steps to have the wireless station at the agricultural college equipped so that the wireless market reporting service sent out by the Department of Agriculture can be received and sent to all points in North Dakota. County agents or whoever would desire to could have receiving sets and so receive the reports. A more complete and prompt market report could in this way be sent out than is given in the press. By cooperating with the grain-grading department these reports could be made to more fully cover the points on which North Dakota farmers would need information. The efforts being made by Secretary Wallace seem to be aimed at getting around the grades instead of making them workable. The millers can not buy hard red spring wheat by grade. On the terminal market the dealing is on sample and the farmer must likewise sell on sample, and the foreign buyer will need to buy on sample.

"It is a great disappointment that the changes suggested by Doctor Coulter and Mr. Fitz could not have been adopted. Their recommendations, if adopted, would have gone a long way toward reflecting true value to the local market. It would largely have wiped out the difference between the terminal wheat and farm wheat in the same grade. And until this is done, the farmer, to get full value for his wheat, to get full value for farm wheat and not for terminal market wheat, will need to sell his wheat by sample and this can undoubtedly be done the most effectively in a cooperative marketing plan."

Another material change in the existing rules proposed in my bill is to eliminate the subclass "red spring" and to reduce the number of grades to four instead of five, the test weight of the highest and lowest grade to remain as it is now, but the intermediate grades are slightly lowered.

It has been objected that grades should not be prescribed by statute; but this is not unusual. The requirements for the three principal grades in northwestern Canada are prescribed by act of Parliament. The bill also contains a provision that when the new rules have been in force for two years they can be changed, if the interest of agriculture requires, by the Secretary of Agriculture. We appeal to Congress as our last resort.

At all the hearings that I have heard all the farmers have been unanimous in support of the bill, and so are the grain-inspection officials of the States concerned. The president of the Federation of Farm Bureaus of Minnesota attended the hearing and favored the proposals of the bill, and it has also been recommended by the Farm Bureau Federation of 10 Northwestern States and by the Equity Exchange, with headquarters at St. Paul, which controls hundreds of cooperative elevators. The remarkable thing about the opposition of the representatives of millers and the grain trade is that it is based upon the idea that they are the friends of the farmer and are trying to protect him from loss. The evidence indicates that the terminal elevators and millers are making from fifty to one hundred dollars per thousand-bushel car by manipulating the grades. The present situation makes a market like Minneapolis a virtual paradise of the mixers. Grades are for the purpose of informing the buyer of the kind and quantity of the article to be sold in order that the proper price may be applied, but Mr. James F. Bell, a representative of the Washburn-Crosby Co., the largest manufacturer of flour in Minneapolis and probably in the world, in a letter to the undersigned states that the range between the highest and the lowest price on the same day in the same grade ran from 20 to as high as 40 cents a bushel. The market reports in the Minneapolis papers also indicate a very large range on the same day in the same grade. On the same point I call attention to the following from the testimony of Mr. John D. Shanahan, of Buffalo, N. Y., representing the Niagara Falls Milling Co.:

Official closing prices for cash wheat on the Minneapolis Exchange, June 15, 16, 17, and 18, 1921.

Date.	Grade.	Close.	Range.
			Cents.
June 15	No. 1 dark northern spring	153¾-189¾	36
Do	No. 2 dark northern spring	149¾-161¾	12
Do	No. 3 dark northern spring	136¾-151¾	15
June 16	No. 1 dark northern spring	151¾-187¾	36
Do	No. 2 dark northern spring	147¾-159¾	12
Do	No. 3 dark northern spring	134¾-149¾	15
June 17	No. 1 dark northern spring	155¾-191¾	36
Do	No. 2 dark northern spring	151¾-163¾	12
Do	No. 3 dark northern spring	138¾-153¾	15
June 18	No. 1 dark northern spring	151¾-187¾	35
Do	No. 2 dark northern spring	147¾-159¾	12
Do	No. 3 dark northern spring	134¾-149¾	15

The cost prices as shown above indicate a range in the July option upon which they were based of only 2 cents per bushel during the four days in question, and the only change in the relative premiums for cash wheat was a narrowing of the range in the No. 1 dark northern grade of 1 cent per bushel.

Why this enormous range in the values of No. 1 dark northern spring wheat? The answer is that the lowest price paid for that grade is for wheat that will "just make the grade" with nothing to spare and no other factor of value to recommend it to the miller purchaser. Such wheat, besides being comparatively weak in its food constituents, contains the maximum of one or more grade factors allowed, such as mixtures of other wheats than red, spring, rye, wild peas, king-heads, wild rose, or other inseparable foreign material, while the top prices were paid for wheat that was infinitely stronger, heavier, and contained little or nothing but such wheat.

The Washburn & Crosby Co., after having examined a copy of my bill, submitted to the committee an amended draft which they said would be satisfactory. It contains the same classes and subclasses as my bill. They raise the standard for No. 1 to 59 pounds instead of 58 and retain the five grades. Their bill eliminates foreign material and moisture as grading factors, the same as my bill, but they place the percentage of moisture permissible at 14 per cent instead of 14½ per cent, as in my bill. This leaves the difference between their bill and mine simply in the grade requirements which are in some particulars higher than the present Federal grades. (See Supplemental Hearings, p. 314.)

The bill (H. R. 7401) after it was reported was reintroduced with the committee amendments and amendments on account of typographical errors, and as House bill 9668 was submitted to the grain inspection departments of North Dakota and of Minnesota and approved in every particular.

I think this is sufficient to show that the objections to the bill raised by interested parties are wholly unfounded. Millers and grain men who have said anything on this subject have admitted that the present grades are faulty and that they do not know how to remedy the fault. In behalf of the farmers throughout the Northwest I ask you to believe that after these many years of study and experience under the present regulations they actually know their own interest better than those who are profiting by present conditions at their expense. In this conclusion they are supported by the scientific men employed in the State experimental mill and the men in the grain inspection force of large experience. We submit, therefore, that the remedy we offer is sound and should be approved by Congress. Grain inspection has been in vogue in Minnesota for more than 30 years, and their experience is very much greater than that of the Federal Bureau of Markets which has only been dealing with the subject for five years. Minnesota laws require the grades to be revised every year to meet new conditions. The Federal Bureau of Markets, which borrowed many of their rules from the State of Minnesota, framed them five years ago, before they had any experience, and have refused to make any material alterations since. All they have ever sought is to have the approval of the grain trade, and the result is that the prices paid to the farmers at the local elevators on the average is 20 cents less per bushel than the same wheat is sold for when it is sold by sample on the grain exchanges in the terminal markets or has been raised in grade by the manipulation of the terminal elevators.

I insert here the report of the Minnesota State experimental mill on the milling value of the different grades of wheat:

STATE TO USE MILLING TEST IN GRADE PLEA—RESULTS AT EXPERIMENTAL PLANT SHOW INEQUITY OF WHEAT STANDARDS.

Figures and facts obtained in milling tests of wheat at the new State testing mill will be used in attempts to secure changes in the Federal grain grades by which grain is now marketed, it was said to-day by O. P. B. Jacobson, chairman of the State Railroad and Warehouse Commission.

The tests, announced Saturday, showed that while millers are paying down to 32 cents less for No. 4 dark northern than for No. 1, the milling value of the No. 4 is only 7 cents less than for No. 1.

They also showed that on January 16, 1922, No. 1 dark northern was worth $1.69 for milling purposes, down to $1.61 for No. 4.

On that date, No. 1 dark northern was selling for $1.39 top, or 30 cents less than its milling value, according to the market page of the Daily Star, and No. 4 down to $1.10, or 51 cents less than its milling value.

The following table shows what the experiments revealed:

Kind.	Actual milling value Jan. 15.	Market price Jan. 15.	Saturday's market price.
No. 1 dark northern	$1.69	$1.33-$1.39	$1.49-$1.64
No. 2 dark northern	1.66	1.31- 1.38	1.45- 1.62
No. 3 dark northern	1.63½	1.23- 1.28	1.38- 1.60
No. 4 dark northern	1.61	1.20- 1.28	1.32- 1.49

The fact that wheat is now selling nearly at the milling value as of January 15 does not necessarily mean that it is now nearer its milling value than it was then.

NEVER UP TO MILL VALUE.

The experiment was based upon the price of flour and feeds upon January 15, when flour was 3.416 cents a pound and the feeds and by-products 1.33. If the price of flour and by-products has risen since then, the milling value of the wheat would have risen in proportion.

The significance of the experiment, according to N. J. Holmberg, commissioner of agriculture, in charge of the mill, and Mr. Jacobson, is in the fact that No. 4 wheat is shown to be worth only 7 cents a bushel less for milling purposes than No. 1, while the market prices vary from 20 to 30 cents less.

"It shows conclusively that the present grading system, based upon the weight and moisture content of the wheat, should be amended or thrown out," said Mr. Jacobson. "Quality, as revealed in these milling tests, should be the basis of grading and not weight.

"But I predict it will be almost impossible to beat down the powerful lobby maintained by the millers at Washington and get a modification of the grades by Congress or by Henry Wallace, Secretary of Agriculture."

The cars of wheat upon which the State mill tests were made came from all over the State of Minnesota.

MILL TESTS SHOW VALUES.

Results on the different grades were, in detail, as follows:

There were five cars of No. 1 dark northern ground at the mill. On these the dockage was 2 per cent, the loss in cleaning 4½ per cent, the weight a bushel 59.1 pounds, the moisture before tempering 11.7 per cent. The yields of all mill products on the basis of original moisture content by percentage follows: Straight flour, 74; red dog, 2.67; standard millings, 12.7; bran, 11.96; total feed, 27.33; total returns, 101.33. The flour value was 1.517 and the feeds 15 cents from a bushel.

There were six cars of No. 2 dark northern. On these the dockage was 2.8 per cent, the loss in cleaning 5.40, weight a bushel 57.1, moisture 11.7, by percentages except weight in pounds. Mill products yielded, in percentage, as follows: Straight flour, 72.21; red dog, 2.68; standard millings, 14.25; bran, 11.61; total feed, 28.54; total returns, 100.75. The flour value was $1.48 and the mill feeds 17.7 cents a bushel, a total of $1.657.

Eleven cars of No. 3 dark northern wheat were ground and the average bushel produced products worth $1.63½, with $1.453 in flour and 18½ cents in millstuffs. On these the dockage was 3.7 per cent; the loss in cleaning, 5.7 per cent; the weight a bushel, 55½ pounds; the moisture, 12.8 per cent. The yields a bushel in percentages: Straight flour, 70.88; red dog, 4.55; standard millings, 11.8; bran, 12.01; total millstuffs, 29.3; total returns, 100.422.

Five cars of No. 4 dark northern averaged outputs worth $1.611 from each bushel, $1.411 in flour and 20 cents in feeds. Of these the dockage was 4.8 per cent; the loss in cleaning, 6.69 per cent; the weight a bushel, 53.8 pounds; and the moisture, 11.8. The yields a bushel in percentages: Straight flour, 68.82; red dog, 4.29; standard millings, 15.82; bran, 13.05; total feeds, 32.16; total returns, 100.98.

EXPLANATION OF VOTE.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to make a statement for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. About what?

Mr. JACOWAY. To correct the RECORD, I will say to the gentleman from Massachusetts. When the filled milk bill was before the House Mr. MOORE of Ohio came to me and asked me to pair with him. I did so, and the pair was executed. Under the pair his vote would have been "yea" and mine "nay," and I so stated. When the roll was called I voted "nay." It was my intention to withdraw my vote and answer "present," and in order that no injustice be done the gentleman from Ohio I desire to state that I inadvertently and unintentionally violated the pair. I make this explanation in order that Mr. MOORE's position on the filled milk bill will appear in the RECORD and the unintentional injustice done him by me be corrected as far as I am able to do so.

EXTENSION OF REMARKS.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the sugar bill which was considered in the House on yesterday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAWES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by some original observations on the first 10 amendments to the Constitution.

The SPEAKER Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to are here printed in full as follows:

Mr. HAWES. Mr. Speaker, without that thoroughness to which the subject is entitled, I direct attention to the first 10 amendments to our National Constitution, called our "Bill of Rights."

My observations are elemental, contain no new thought, and are only a repetition of fundamentals which are known to the lawyer and student.

There was a time when the farmer, the blacksmith, the artisan, and men in every vocation of life understood and were prepared to defend our Bill of Rights.

The last generation was familiar with the Constitution. It was discussed everywhere and upon all occasions. It was the guide which directed legislative enactment and controlled executive discretion.

But during more recent years citizens have neglected its consideration.

The beneficial effects of the first 10 amendments have been so generously accepted that their description and the necessity for their preservation may seem unnecessary. During the period of the war and in the reaction which is now taking place many instances of "official lawlessness" and hasty legislation are again forcing consideration as the sole remaining check upon intemperate legislation and official arrogance and ignorance.

During our preparation for war and participation in it civil affairs were temporarily made subordinate to military necessity.

Ordinary civil procedure in some cases was abandoned and many temporary innovations introduced. The willing citizen, with his mind concentrated upon the one subject of winning the war, made few objections and no protests.

OVERGOVERNMENT.

The war taught organization, and now much of the surplus energy generated during that period is diverted to civic organizations and is manifesting itself in various forms of propaganda, and specially organized minority interests are springing up attempting to force the National Government to do things which were formerly left for the individual to do for himself.

Carried away by haste and an excess of zeal, the fundamental things in our Constitution are assailed in proposed laws, and in many cases public officials are themselves guilty of what is properly termed "official lawlessness" in trying to carry out the extreme wishes of those organized minority groups.

What we shall eat, what we shall wear, what we shall read, how we shall work, and when and how we shall play are to be controlled by statute law rather than by personal inclination.

Some are content to guard with zealous care the rights of life and property, but many others now attempt to regulate, control, direct, and specify what is "the pursuit of happiness."

The word "liberty" used in the Declaration of Independence was not intended in the narrow sense of bodily confinement or a restricted physical action but it extends far beyond to the liberty of thought, of speech, of conscience, as well as of action. In fact, it means self-determination for faculties with which God has endowed us.

Our theory was that government did not give liberty to the citizen but that each individual possessed it as a natural right, and that government was formed for the purpose of protecting it and making it secure.

Everyone was believed to have the natural right to do exactly as he wished except where, in exercising this right, he interfered with similar rights or privileges of others.

CHECKS AND BALANCES.

Finding that all men do not agree, we provided a government, so that the majority might select their own agents or public officials.

If the majority of all the people is to select and direct our Government it follows that a small minority group, or a small association controlled by a vigorous propaganda, should not be permitted to rule the majority. And yet this is being done.

Our Government provides a system of checks and balances intended to preserve the right of the minority from the encroachments of the majority, but minority rule is a new national development.

Our President at times has more power than the king of a constitutional monarchy, but he is checked by the power of Congress, and the power of Congress is again checked by the interpretations placed upon its laws by our Supreme Court, whose duty it is to compel conformity with our written Constitution and protect the rights of citizens which are guaranteed under that instrument.

We are sometimes discouraged, even dismayed, with the toilsome machinery with which we change our laws. This delay is discouraging to the optimist, let alone those who are impatient; but experience has shown that conditions are bettered by steadily gaining point upon point and not by pulling down good and bad together in hasty, ill-advised action.

A clever man has stated:

All political issues may be grouped in three classes: Those which are popular but impracticable; those which are practical but not popular; and those which are both popular and practical.

We are tending more to the first of these; that is, the popular but impracticable legislation.

In providing for a series of checks in our form of government provision was made against hasty and ill-considered demands of even a majority.

The division of the legislative power into two bodies, one serving for two years, the other for six; the independence of the President, and the creation of the Supreme Court to pass upon laws made by Congress, briefly indicate the various checks and balances.

Our Government does not prevent any change in its laws, even a change in the first 10 amendments; but it does prevent change being made hastily, ill-advisedly, and upon the impulse of excitement or passion.

It is not to this division of the powers of Government to which I desire to direct attention, but rather to the first 10 amendments of the Constitution, which first prohibited the National Government from doing certain things and was quickly followed by the insertion in our various State constitutions of the same prohibitions.

OFFICIAL LAWLESSNESS.

These inhibitions are intended to prevent arbitrary or unjust action both by Government and by its officers. Certain acts are described which neither Government nor its agents can do.

Few men can handle an unusual and extraordinary power with moderation and temperate judgment.

The man in office has just as many human frailties as men out of office. So the first 10 amendments were in part to check weakness or lawlessness in the official.

These 10 amendments are a limitation upon government. They draw a sacred circle within which government may not penetrate. They are similar to the restraints placed upon the king.

The words of Lord Chatham, heard before every graduating class at law school, and which I hope will again ring throughout America, contain the doctrine. All we have to do is to substitute the word "government" for the word "crown" and the word "official" for the word "king" and the limitation of power is brought home to us.

The poorest man in his cottage bids defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter. But the King of England can not enter. All his forces dare not cross the threshold of the ruined tenement.

When laws are enacted which are difficult of enforcement by reason of their interference with personal rights, then the modern tendency is to introduce new methods of enforcement still further restricting liberty.

These amendments are intended to prevent oppression by the Government and its officers, just as the Magna Charta was intended to prevent oppression by the King. They guarantee individuals against oppression by even their own selected Government. They have been likened by some to the Ten Commandments.

While we voluntarily surrendered certain rights that government might exist, in these amendments we protected the individual rights from the encroachment by government.

Next to religion, the amendments demand our highest reverence, for while liberty is the best offspring of democracy, we must still guard against democracy destroying its choicest product.

Strange as it may seem, there may be democracy without liberty.

Christianity has taught democracy in rousing men to an understanding of his true relations with God. This in turn has taught him his proper relation with his fellow man.

In his fight for religious liberty he secured personal liberty, which is now covered by these 10 amendments.

The Constitution itself was only finally ratified by the various Colonies upon the promise that the Bill of Rights containing these amendments would later be adopted.

While there was some hesitancy upon the part of the States to adopt the original Constitution, there was no hesitancy in the adoption of the Bill of Rights, which was done unanimously by all of the States.

The forefathers thought that even a democracy should not have unlimited power.

We must not fail to remember that when we deprive a single individual of his rightful liberty we endanger the liberties of all.

When we override these guaranties and revert to the old days of unlimited power in government, we prepare the way for monarchy.

LIMITATION UPON OFFICIAL CONDUCT.

Every citizen is, to an extent, his own doctor and, to a much larger extent, his own lawyer, because he is supposed to know the law. He can not be expected to know all of it, but certainly the limitations placed upon official conduct should be understood.

A law writer has summarized them as follows:

By the Federal Constitution as it now stands the citizen, in time of peace at least, is guaranteed, among other matters, (1) the protection of the writ of habeas corpus; (2) freedom from bills of attainder and ex post facto legislation; (3) freedom of religious belief and worship; (4) freedom of thought and its expression; (5) freedom peacefully to assemble with others and petition for redress of grievances; (6) freedom from unreasonable search and seizure; (7) the right not to be prosecuted for infamous crimes except first accused by a grand jury; (8) the right in all criminal prosecutions to a speedy and public trial by an impartial jury; (9) to be confronted with the witnesses against him, and (10) to have assistance of counsel; (11) that he shall not be deprived of life, liberty, or property without due process of law; (12) that his private property shall not be taken from him even for public use without just compensation; (13) that the obligations accruing to him under lawful contracts shall not be impaired; (14) that he shall not be denied the equal protection of the laws.

We can not understand real Americanism unless we are familiar with these limitations.

In instructing both naturalized citizens and our school children, they must be shown that liberty is not license and that considerations of personal right must embody equal consideration for the rights of neighbors.

These limitations are for the protection of the weak as against the strong, against a majority seeking by intemperate action to deprive the minority of its rights, and are the fruition of centuries of struggle involving the sacrifice of thousands of patriotic lives.

The original limitation upon the power of the King was followed by our limiting the power of our own selected Government.

THE DECLARATION AND THE CONSTITUTION.

Judge Wade has drawn an interesting comparison between the provisions of our Declaration of Independence and these prohibitions placed in the Constitution:

Before the passage of the habeas corpus act of 1679 in England, any person of royalty or high official standing in the Government could falsely accuse another person of crime and cause that innocent person to languish in prison for years, or even for life, because he could not get before a court of justice to establish his innocence.

In many European countries the peasants were burdened with taxes to support kings and courts without the slightest representation in the tax-levying authority. In France, just preceding the French Revolution, the peasants were obliged to purchase a certain number of barrels of salt each year, without having the slightest use for the salt, because the Crown lands produced salt and the revenues went to the king.

In many European countries a state church was established and the people obliged to support it by taxes levied against their property, regardless of whether it represented their religious beliefs.

A comparison of the provisions of the Declaration of Independence with those of the Constitution will show the wrongs of the English king righted by the Constitution.

Declaration of Independence: "He has refused assent to laws the most wholesome and necessary for the public good."

Constitution of the United States: "A bill if vetoed by the President may be repassed by two-thirds of the Senate and House of Representatives."

Declaration of Independence: "He has forbidden his governors to pass laws of immediate and pressing importance."

Constitution of the United States: "Congress shall have the power to lay and collect taxes, duties, etc." (See Const. Art. I. S. 8.)

Declaration of Independence: "He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people."

Constitution of the United States: "Congress shall meet at the seat of Government once each year."

Declaration of Independence: "He has refused, for a long time after dissolution, to cause others to be elected."

Constitution of the United States: "The time, place, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof."

Declaration of Independence: "He has obstructed the administration of justice."

Constitution of the United States: "Jurisdiction of courts fixed by Constitution. Judges not responsible to the President, but to Congress, which represents the people."

Declaration of Independence: "He has made judges dependent on his will alone."

Constitution of the United States: "Judges subject to removal only by impeachment of Congress."

Declaration of Independence: "He has kept standing armies * * * without consent of the legislature."

Constitution of the United States: "Congress shall have power to raise and support armies." "To provide and maintain a navy."

Declaration of Independence: "For transporting us beyond seas to be tried for pretended offenses."

Constitution of the United States: "Such trial shall be held in the State where said crime shall have been committed."

Declaration of Independence: "For depriving us, in many cases, of the right of trial by jury."

Constitution of the United States: "The trial of all crimes, except in case of impeachment, shall be by jury."

Declaration of Independence: "For quartering large bodies of armed troops among us."

Constitution of the United States: "No soldier shall in time of peace be quartered in any house without the consent of the owner."

Declaration of Independence: "For imposing taxes on us without our consent."

Constitution of the United States: "Congress shall have power to levy and collect taxes."

THE KING CAN DO NO WRONG.

These were our constitutional answers to the power of the king. They must still be our answer to those who would restore to our Government and officials the powers taken from the king.

These must be our answers to the self-inflated public official whose brief authority causes him to think that he is a king.

"The king can do no wrong" was the old doctrine of tyranny now adopted by some National and State officials who think they can do no wrong.

Soon we may be required to write another Declaration of Independence against the propagandist, the emotional and neurotic crank, and hang high for public contempt the Government official who believes "he can do no wrong," and takes upon himself the power of the king which our Government had destroyed.

We are confronted with what might be termed "legislative lawlessness," which is inspired by the fear of political defeat; for men, in defiance of the Constitution and our Bill of Rights, will vote for the passage of laws which are unconstitutional for the sole purpose of securing votes.

They seek to avoid responsibility themselves by passing the responsibility to the Supreme Court, and answer a minority clamor by voting for legislation which they are too cowardly to combat.

We can not survive with group government. The Government must be "all for all." The personal political fortunes of some one man, or small group of men, may be promoted by group government, but this personal gain is always followed by loss of general welfare.

Ours is a government of law, not of men.

We should know our king, which is the Constitution, and understand the limitation of his power, found in our Bill of Rights.

THE FIRST AMENDMENT.

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances.

It will be noted that in the original Constitution (Art. VI, clause 3) any religious test as a qualification for a public office was prohibited.

This was followed by the first paragraph of the first amendment, which reads:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. * * *

I discussed this subject in October, 1921, at considerable length, in part, as follows:

The intolerant is hopeless mentally. As a social unit and as a citizen he can not be changed, but we may, by a frank statement of history, law, and experience, prevent his infection of the body politic and reduce his evil influence to the minimum.

Toleration has developed with education, enlightenment, and a proper understanding of the Christian religion. When we left paganism we abandoned intolerance and advanced to the higher grade of a conscience and religion procured and maintained by reason and persuasion, leaving to the Government only the proper function of protecting the right of each individual to pursue, in his own way, without interference from the State or citizen of a State, the fine exercise of personal choice in the matter of conscience and creed, modified only by the moral suasion of religious associations.

The first requisite for this natural religious selection was a complete separation of church and state and removing from a place in government all attempts to control spiritual conduct and confining its jurisdiction to the protection of the health, happiness, life, and property of the citizen.

The friend of religious liberty is not concerned with the difference between creeds, nor in fact with the difference between faith and unbelief. Nor can he be satisfied alone with the political separation of church and state. He must oppose the invisible government, the secret cabal, or the political movement which attempt to do, by indirection, the thing which is prohibited by law.

The honest friend of religious freedom can not, without protest, permit any man's creed to be made the subject of persecution or the sole measure of his fitness for public office.

We can not lose religious freedom without losing civil freedom, so both must be guarded by zealous citizens.

Our danger will not come from a change in our laws, but from an intolerant spirit which would evade the established law and by indirection do those things which the law prohibits.

The second paragraph of the first amendment reads:

Congress shall make no law * * * abridging freedom of speech or of the press.

This is one of the important safeguards of democracy. It means that our newspapers can print what they deem desirable in time of peace, and that men may speak their minds freely upon all subjects.

It must be understood, however, that whenever a newspaper prints a libelous article, or a speaker engages in slandering his neighbor, they are both amenable to criminal prosecution and civil damages. No public official, nor Congress itself, is permitted to arbitrarily prescribe rules and regulations for either press or speech. This permits criticism of our Government and the officers of our Government.

It does not permit, however, the advocacy of the bomb or the torch or revolutionary methods of changing the form of government. The machinery of our Government provides a lawful way to secure change.

The wildest revolutionist is guaranteed the freedom of speech and of the press, but if he abuses this privilege he can be punished.

The third paragraph reads:

Congress shall make no law * * * abridging * * * the right of the people peacefully to assemble and to petition the Government for a redress of grievances.

This permits the rights of peaceful assemblage, discussion, and the drawing up of petitions to both the legislative and executive branches of our Government, a right which was formerly denied by the King.

THE SECOND AMENDMENT.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

This is held to be a limitation only upon the Federal Government, but does not prevent the States from passing laws regulating the use and possession of arms. It was intended to confine the regulation to States and prohibit the National Government from interfering with the rights of States to so regulate this subject.

THE THIRD AMENDMENT.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by the law.

This was intended to subordinate the military to the civil power, so that a civilian would not be subject to the dictation or imposition upon the part of soldiers.

Formerly soldiers arrogated to themselves the right to enter private dwellings and do pretty much as they pleased.

This prohibits a soldier from entering any home without the consent of the owners, except during times of war, and even during a war period only under conditions prescribed by law.

THE FOURTH AMENDMENT.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This provision of the Constitution is the one which "official lawlessness" most frequently violates. It is what has been termed the "right of castle." No man's home, or office, or habitation may be invaded by an officer of the law unless such officer is armed with a search warrant which describes the place to be searched and must be made upon oath or affirmation showing probable cause.

One of our new official "kings," bent upon mischief, hoping to accomplish some political design, masquerading in the majesty of the law, might enter a man's home, search his papers, go through his sacred belongings, disturb his peace, alarm his family, and subject him to various indignities.

No search can be made except upon a warrant issued by a court, and no such warrant shall be issued until a solemn statement under oath discloses evidence of the commission of an offense. The place must be described; the things of persons to be seized must be described. A warrant issued by any court, no matter how high, without such a sworn statement being presented, is void and in violation of the rights of every person under the Constitution.

A citizen has the right to guard his home and use all necessary force for its protection.

THE FIFTH AMENDMENT.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

This amendment may properly be divided into five parts:

PART 1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.

This means that no one official shall be permitted to issue a warrant for a capital or otherwise infamous crime until 12 men have agreed that such warrant should be issued.

It must be remembered that the defendant in these cases is not brought before the prosecuting officer or even before the grand jury. It is a secret investigation.

The amendment was to prevent officers upon their own authority from dragging a man into court, putting him into jail, ruining his reputation, and causing him loss of money and humiliation unless 12 men agreed in advance that it should be done.

There are some minor offenses, called misdemeanors, which are not covered by the description "capital or infamous crime," upon which persons can be arrested upon warrant without indictment by the grand jury, but these are never serious offenses and should always be easily bailable.

It is against the unjust, arbitrary arrest for the commission of a grave crime that this amendment was adopted.

The second paragraph:

Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.

This means that where a person has been once tried he can not be hauled into court again and again on the same charge as the result of "official lawlessness," which might ruin him in his business and reputation and be made the means of unjust persecution. Once tried and acquitted a man is free, and neither the United States nor any officer of the United States can again take him to trial for the same offense.

The third paragraph:

Nor shall he be compelled in any criminal case to be a witness against himself.

This was directed against the old method of confession by torture, and the new method of confession by the so-called "third degree" administered by some police officers, and officials of the rack and thumb-screw type. In this particular, "official lawlessness" is going to the extreme in many of our large cities.

Arresting a man and then torturing him into confession is not conserving justice. It is defeating it. Our forefathers knew this and placed this restriction in the Constitution.

A man by this provision is protected both against threats and inducements made outside of the court and before trial.

A man can not be compelled to give answers after his arrest while he is in jail, or if he is at liberty under bond, which can be used against him upon trial.

No confession which is not absolutely voluntary and of free will will be admitted by a court as testimony when the same is questioned.

The fourth paragraph:

Nor be deprived of life, liberty, or property without due process of law.

This paragraph immediately causes us to revert back to the Bastille during the French Revolution and to the Tower of London in England and to-day to the lawless procedure of the soviet in Russia.

It means that every man shall have his "day in court," and his property, liberty, or life can not be taken away except by a trial before a legal court, in which he shall have a fair hearing, which involves the element of notice, the chance to appear in person, the right to employ counsel, the privilege of summoning witnesses, and a speedy and public trial; in addition to which he has the right of appeal.

The fifth paragraph:

Nor shall private property be taken for public use without just compensation.

This guards the possession of private property. Formerly the king might take property without compensation if it pleased him to do so.

To-day the Government, which has taken the place of the king, may take property for public use, but must pay for it, the compensation to be determined by a jury.

THE SIXTH AMENDMENT.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and in the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

The first paragraph provides:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

"Speedy" refers to the necessity of preventing long imprisonments of an accused before trial, and that the trial must not only be speedy but must be made in public before a court and jury.

This is intended to bring the power of public opinion to bear against despotic procedure for the conviction of the accused, and to insure a trial where all his rights will be conserved, and his trial must be by an impartial jury which he has the right to challenge because of prejudice, and the jury must be drawn in the State where the alleged crime was committed.

Formerly a prisoner could be hauled, at the behest of the King, away from his home, and sometimes taken beyond the seas for the purposes of trial. If it were not for this provision, a man charged with a crime in New York might be tried in California, or indicted in Missouri and tried in Texas.

Paragraph 2:

And to be informed of the nature and cause of the accusation.

This is to permit an intelligent defense.

The next paragraph:

To be confronted with the witnesses against him and to have compulsory process for obtaining witnesses in his favor.

The reason of this provision is obvious. Everything must be done in open court. It gives an opportunity to test the credibility of a witness, to analyze the testimony, separate the accurate from the false; and the Government is compelled to procure the witnesses for the accused, who in many cases are confined in jail and unable to procure their attendance.

The last paragraph:

And to have the assistance of counsel for his defense.

It would seem strange that the right of counsel granted by the Constitution should require explanation or even comment; but it recently developed in my own State in one district that lawyers were importuned and, according to newspaper accounts, coerced into signing some agreement that they would not defend any person arrested for a particular crime.

In attempting to enforce one section of the Constitution another section was to be violated and to be violated by sworn officers of the law who, before being admitted to the practice of the law, had taken an oath to uphold and defend the Constitution.

Fortunately, the public press in my State unitedly condemned such conduct, and it was promptly abandoned.

The first duty of the lawyer is to his client, as the first duty of a doctor is to his patient, and if men engaged in either one of these high professions can be deterred or intimidated from living up to the ethics of their profession and the Constitution of their country, because coerced or made afraid by a specialized organization, then justice indeed is dead and the great legal profession is disgraced.

It will be noted that this amendment in its entirety provides for every safeguard for a fair trial, but if a defendant was denied the right of counsel or learned advice and thrown on his own resources, his trial would be a farce; so that where a defendant can not procure an attorney of his own selection, one is appointed for him by the court to help him establish his innocence. Therefore, for all attorneys in a local district to combine in an agreement not to defend is a combined agreement to deny justice provided under this amendment.

THE SEVENTH AMENDMENT.

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court in the United States than according to the rules of the common law.

This is an extension of the right of trial by jury in civil matters, and it is wisely determined that the judgment of 12 men on matters of fact is better than the judgment of 1 man and less susceptible of improper influence or of political or personal bias.

There was objection made to the original Constitution because of the apprehension that the trial of facts in civil matters might be usurped by judges, who would then be judge of both facts and the law, and this amendment was one of those promised to various States at the time they ratified the original Constitution and was an extension of the trial of facts in civil matters by a jury of 12 citizens.

THE EIGHTH AMENDMENT.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Excessive bail in former days was used to compel accused persons to remain in prison. It was frequently fixed so unreasonably high that the accused could not secure his liberty pending trial, although the cause for arrest might have been of a most trivial character.

Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

This was another check upon the intemperate conduct of a judge or the intemperate conduct of a legislature who would provide excessive and cruel punishment.

History has disclosed that the intolerant, blinded to grave matters, sometimes magnifies a misdemeanor into a heinous crime.

There was a time when men were hanged, drawn and quartered, and left hanging on gibbets at the public roadside; men were pilloried in stocks and lashed in public view and given sentences and punishment all out of proportion to the magnitude of the crime committed.

Debtors were placed in prison and kept there for long periods of time and were transported to the Colonies.

This provision of the Constitution prevents both the Congress and the State from inflicting harsh and uncivilized forms of punishment.

THE NINTH AMENDMENT.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

One of the serious objections to the adoption of the original Constitution was that it did not contain a Bill of Rights.

Mr. Hamilton contended that this was not necessary. He said:

But a minute detail of particular rights is certainly far less applicable to a Constitution like that under consideration, which is merely intended to regulate the general political interests of the Nation, than to one which has the regulation of every species of personal and private concern.

However, the early fathers, intent upon securing full measure of local self-government, demanded its insertion for fear that Congress might assert implied powers which it did not possess unless they were inhibited..

Judge Cooley remarks:

However unfounded such a fear might be, there could be no harm in affirming by this amendment the principle that constitutions are not made to create rights in the people but in recognition of and in order to preserve them, and that if any are specially enumerated and specially guarded it is only because they are peculiarly important or peculiarly exposed to invasion.

THE TENTH AMENDMENT.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

This amendment differentiates between the powers of the United States and the powers of the States. The former are derived by the United States through delegation from the States. The latter, the reserve powers, remain in and are retained by the States, because not delegated or prohibited.

LOCAL GOVERNMENT.

The ninth amendment was evidently intended by the forefathers as a restriction upon the powers of the Federal Government, and the tenth amendment was another restriction withholding any additional powers not granted by the States.

In the language of an eminent authority:

The States intended that all the powers vested by their several constitutions in the State government should be retained and exercised by that government, except such as by the Constitution vested exclu-

sively in the United States or by contractual agreement were prohibited to the States. The consequence is that it is not only natural, but necessary that this amendment should declare that the powers not delegated to the United States, and not prohibited to the States, should still remain with the several State governments or with the sovereign people of each State.

The encroachment upon local self-government by Federal enactment, and National Government by commission and bureau, is a subject requiring separate discussion and greater elaboration.

CONCLUSION.

The great thinkers and educators of our country are becoming alarmed at the neglect of the study of the Constitution.

Judge Martin J. Wade and many others have made notable contributions to this subject, and I have made free use of their observations.

We are in a period of reaction which always follows a great war. Intolerance and bigotry seem to be developing. Hasty and intemperate legislation is proposed. State and Federal officials are attempting to make laws of their own. Organized minority groups are driving the legislative and executive officers into acts of "official lawlessness."

If my limited and superficial discussion of this subject will induce a more thorough study by the average citizen. I shall have accomplished my object, for better understanding will produce the check now so necessary for the preservation of our broader liberties.

CALENDAR WEDNESDAY.

The SPEAKER. The business in order to-day is Calendar Wednesday business, and the Clerk will call the roll of committees.

When the Committee on the Judiciary was called—

Mr. VOLSTEAD. Mr. Speaker, I call up the bill (S. 745).

The SPEAKER. The gentleman from Minnesota calls up the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 745) to amend section 24 and section 256 of the Judicial Code.

Be it enacted, etc., That clause 3 of section 24 of the Judicial Code is hereby amended to read as follows:

"Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it, and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States, which rights and remedies when conferred by such law shall be exclusive; of all seizures on land or waters not within admiralty and maritime jurisdiction; of all prizes brought into the United States; and of all proceedings for the condemnation of property taken as prize: *Provided*, That the jurisdiction of the district courts shall not extend to causes arising out of injuries to or death of persons other than the master or members of the crew, for which compensation is provided by the workmen's compensation law of any State, District, Territory, or possession of the United States."

SEC. 2. That clause 3 of section 256 of the Judicial Code is hereby amended to read as follows:

"Third. Of all civil causes of admiralty and maritime jurisdiction, saving to suitors in all cases the right of a common-law remedy where the common law is competent to give it and to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel, their rights and remedies under the workmen's compensation law of any State, District, Territory, or possession of the United States."

Mr. VOLSTEAD. Mr. Speaker——

Mr. GARNER. Will the gentleman yield for a moment? Would the gentleman mind telling the House, for the information of the House, if he has it in mind, what he intends to call up after this bill is disposed of?

Mr. VOLSTEAD. Personally, I intend to call up the commercial bribery bill, but Mr. WALSH has permission from the committee to call up the bill to take care of the Supreme Court reporter. He may call that up——

Mr. GARNER. Either the commercial bribery bill or the Supreme Court reporter bill will be called up after this?

Mr. WALSH. The Supreme Court reporter.

Mr. DOMINICK. Is that the Supreme Court reporter bill?

Mr. WALSH. Yes.

Mr. VOLSTEAD. Mr. Speaker, this legislation was introduced in the Senate and passed there earlier this session. It received a good deal of consideration by the Judiciary Committee of the House, largely because legislation somewhat similar to it had twice been held unconstitutional by the Supreme Court. It was held unconstitutional by a divided court, four to five in each instance. This bill, however, differs from the legislation that was held unconstitutional in this: That it does not include the seamen, the men engaged on board vessels. The object of this bill is to give to the longshoremen the opportunity to take advantage of the different State laws which give compensation in case of injury to employees. It is believed by the committee that with this modification there should be no real objection to the bill. It is true that the Supreme Court has held that the longshoremen are subject to the maritime laws, but the old law was held unconstitutional largely upon the ground that the facts in these cases are such that a uniform rule should be applied to them. It is not believed that this rule applies to longshoremen. You remember the old doctrine that a State may act in regulating interstate commerce if the thing it regulates does not necessarily require a uniform law. It seems to me, as to the people who live in the community and are a part and parcel of the citizenship of that community, that they ought not to be subject to a different rule from any other citizen of that community. I can see very readily that a different rule ought to apply to the sailors that may not belong to that community at all. If a nonresident sailor comes inside of a harbor and is injured while there, there is reason why he should not come under the compensation laws of the State and be entitled to compensation. But as to the men that this bill cover, it seems to me clearly that the State ought to be responsible and that the State ought to pay their damages. There can be no good reason for a distinction between these people and the ordinary citizens of the State. The work of the longshoremen has very little to do with shipping as such. They load and unload vessels, repair ships, and do other work of that kind largely on the shore. It does seem to me that in view of this change in this legislation from legislation held void the Supreme Court will find a way to hold this constitutional. I can see no good reason why shipping interests can not protect themselves under such a law as fully as they might under a Federal law.

There is a very strong demand for this legislation. For months my mail has been filled with communications, not only from the longshoremen or labor organizations but from a great many other people. They feel that these people ought to be permitted to get the benefit of the compensation laws of the States.

Mr. BARBOUR. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. BARBOUR. Does the gentleman think it would be a good idea to extend this same right to workmen in interstate and foreign commerce?

Mr. VOLSTEAD. Well, that is not the question now.

Mr. BARBOUR. Well, it seems to me that the same principle is involved. I am in favor of this bill. I think it is a good one.

Mr. VOLSTEAD. In many States employees in interstate and foreign commerce shift back and forth a good deal like seamen do, and the same objection might be made to such a law as has been made where we endeavored to apply the same law to the seamen as to longshoremen.

Mr. BARBOUR. I am not criticizing the bill, because I think it is a good one, but it seems to me that we could go a good deal further with this good work and take in those in interstate and foreign commerce.

Mr. JOHNSON of Mississippi. Would a cause of action have to arise within a harbor or within the 3-mile limit?

Mr. VOLSTEAD. It would have to arise within the State jurisdiction. That, of course, would be inside the 3-mile limit. The longshoremen seldom get outside the 3-mile limit.

Mr. JOHNSON of Mississippi. It is not intended altogether for longshoremen. Any man can come within the provisions of the law?

Mr. VOLSTEAD. This only provides for longshoremen.

Mr. HUSTED. Will the gentleman indicate what part of the bill is new language?

Mr. VOLSTEAD. In line 8, on first page:

To claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel—

And so on.

Mr. HUSTED. Is the proviso on page 2 new language?

Mr. VOLSTEAD. Yes.

Mr. HUSTED. That is all new language?

Mr. VOLSTEAD. That is all new language.

Mr. HUSTED. What is the new language in section 2?

Mr. VOLSTEAD. The corresponding language in section 2.

Mr. BARBOUR. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. BARBOUR. I notice that the language of the bill reserves to claimants for compensation for injuries to or death of persons other than the master or members of the crew of a vessel the rights and remedies under the workmen's compensation law of any State, district, Territory, or possession of the United States. Does that mean this, that if a man should be injured, say, in the port of Philadelphia, and the New York compensation law would be more favorable than the Philadelphia law——

Mr. VOLSTEAD. Certainly not. He would not have the right to compensation there. We have no power to confer any such right. We simply seek to withdraw Federal control over these particular cases, the same as we did to liquor in the Webb-Kenyon Act.

Mr. BARBOUR. I have known of cases where railroad men who had been injured in one State had brought suit in other States.

Mr. VOLSTEAD. That might be done because they found the defendant there.

Mr. DYER. Will the gentleman yield for a question?

Mr. VOLSTEAD. I will.

Mr. DYER. Was the Senate bill reported to the Senate by the Judiciary Committee of the Senate?

Mr. VOLSTEAD. It was.

Mr. DYER. Notwithstanding the fact that the Supreme Court had declared it unconstitutional three times they overruled the Supreme Court?

Mr. VOLSTEAD. I do not think they intended to overrule the Supreme Court. They intended to draw a bill that would sufficiently distinguish this legislation from former legislation.

Mr. DYER. This bill as now drawn will, in the gentleman's opinion, take care of the objections raised by the Supreme Court previously?

Mr. VOLSTEAD. We hope so. There is good reason to believe that the court will hold it valid. Of course, in cases where the court divide almost evenly and there is a real demand for the legislation, Congress, even if it is not absolutely convinced, would, it seems to me, be justified in resubmitting it; that is, if it has good reason to believe that it is constitutional.

Mr. CHANDLER of New York. I would suggest that the Johnson amendment of April, 1916, was held unconstitutional on the ground that it sought to apply the compensation laws of the States to injuries arising in interstate commerce. It tried to confine them to peripatetic men, men moving about, instead of to such as longshoremen. This confines it to the longshoremen and meets the objection of the Johnson amendment, on which it was declared unconstitutional.

Mr. DYER. I am in favor of the bill. The reason I rose was to inquire if the Judiciary Committee of the Senate reported the bill when there was apparently some question as to its constitutionality.

Mr. VOLSTEAD. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. THOMAS], the ranking member of the Committee on the Judiciary.

Mr. THOMAS. I reserve my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kentucky reserves the balance of his time.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GERNERD].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. GERNERD. Mr. Speaker and gentlemen of the House, I wish to say that I am quite familiar with the provisions of this bill and its intended operation. A great deal of difficulty has existed in getting proper recognition by claimants who have been injured and who have been deprived of proper compensation. In line with this bill I have been working ever since I have been here trying to draft a bill to cover similar injustices so far as railroad employees are concerned.

After a practice of 15 years, each year I have had the experience of representing persons employed on the railroads who are injured by the same and invariably were deprived of the provisions of the workmen's compensation laws of the State of Pennsylvania because of the fact that they were engaged in interstate commerce.

I am going to give you an illustration of the case of a flagman on a freight train that had stopped at a little village called Alburtis to let a passenger train pass. It was at midnight, and the freight train moved on, but discovered after they had gone some distance that their flagman was missing. They ran back and found the flagman lying along the track, killed. The man left a widow and six children, and the matter was brought up before the referee of the Workmen's Compensation Board of Pennsylvania. There was no evidence as to how he was killed, excepting the violent physical injuries that appeared on the man's person, and that case was dismissed on the ground that he was engaged in interstate commerce, and his widow was deprived of any right, either under the Federal law or under the State compensation law.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. GERNERD. Yes.

Mr. STEVENSON. If it came within the Federal compensation act she certainly was entitled, if he was killed while engaged in interstate commerce.

Mr. GERNERD. My good friend, I can not agree with you. I just want to point out to you that a situation like that ought to be covered by legislation, just as this bill is going to protect the longshoremen.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. GERNERD. Yes.

Mr. BARBOUR. I would like to state that I have introduced a bill along that same line, which is now pending before the Committee on the Judiciary, providing that a man injured in interstate commerce can be covered by the laws of the State in which the injury was incurred.

Mr. GERNERD. I have considered the matter for some time and have taken it up with a number of lawyers, but there seems to be a difference of opinion. My thought is that where there is a workmen's compensation act within a State, the person injured should be given the alternate right either to sue or make his claim under the provisions of the workmen's compensation law of that State or take his chances under the Federal compensation law, but that he should not take advantage of both. He must make his selection either under the one or the other. Therefore I feel that this present bill is a most meritorious one and that the legislation covers a class of injuries that have been mighty cruel in their effects. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, does the gentleman from Arkansas desire to use time on the bill?

Mr. TILLMAN. No, sir; but I desire to yield 10 minutes to the gentleman from Texas [Mr. BRIGGS].

The SPEAKER pro tempore. The Chair will ask whether the gentleman from Kentucky [Mr. THOMAS] is in charge of the time?

Mr. TILLMAN. Yes. The gentleman from Kentucky designated me to represent him.

Mr. BRIGGS. Mr. Speaker, I feel that this legislation is of the highest importance and ought to be passed without further delay.

The compensation acts in various States bordering on the sea, including that of my own State, have been made applicable to longshoremen, dock workers, and others engaged in longshore work; but in view of recent decisions of the Supreme Court so much confusion and uncertainty as to the operation of those provisions has resulted that the authorities of the State do not know what course to pursue. Men who are injured are left, apparently, without any knowledge whether their course of procedure is under the compensation act of the State, which attempts to regulate the subject and control it, or whether they must or can go into the courts for relief. This bill clarifies the situation and allows the State laws to operate in such cases.

In view of the recent decision of the Supreme Court of the United States in the case of the Western Fuel Co. against Garcia, decided on December 5, 1921, which limits the previous decisions of the same court in the Jensen and Knickerbocker Ice Co. cases, and in view of the restricted character of the bill I believe that the objections heretofore raised have been overcome, and that the power of the State to include those engaged in longshore work within the terms of the workmen's compensation acts can be recognized as valid and not in conflict with the maritime law and admiralty jurisdiction of the United States, and does not destroy the uniformity of such maritime law.

Many compensation claims which are recognized as worthy and in many cases have actually been allowed have been denied the further benefit of the State compensation acts until Congress has taken some such action as is contained in the present bill; and the Industrial Accident Board of my own State, as well as others interested, have urged the adoption of legislation of this character in order that the relief provided by the State laws for those injured in longshore work may be awarded in all cases where it is payable, with the assurance that the action of the State is recognized by the Federal Government as not in conflict with the authority of the United States.

I take occasion to read from a letter dated December 29, 1921, written to me by the Industrial Accident Board of Texas, which is as follows:

INDUSTRIAL ACCIDENT BOARD, STATE OF TEXAS,
Austin, December 29, 1921.

Hon. CLAY STONE BRIGGS,
Galveston, Tex.

MY DEAR SIR: When the Texas Legislature originally enacted the law commonly referred to as the workmen's compensation act, it was believed it afforded protection to those employees residing in the various shipping ports of the State whose duties required performance of labor on occasons upon steamboats resting at anchor in the navigable waters, and compensation, for a time, was paid by various compensation insurance carriers to such employees who suffered injury while engaged in the performance of such duties, and to the surviving beneficiaries of deceased employees who had suffered fatal injury while engaged in the performance of such duties. Payments continued until the Supreme Court of the United States rendered an opinion holding that compensation acts of the various States were inoperative in so far as they attempted to provide a rule of recovery for injuries inflicted under maritime and admiralty jurisdiction. Since the final rendition of the opinion mentioned, workmen, such as longshoremen and local repairmen at the docks, are in the unfortunate position of being denied the protection afforded by the compensation act of the State, and they must look

alone for recovery to the rules of admiralty law. This necessarily works a very great hardship upon such workmen who suffer injury and upon the beneficiaries of such workmen who meet death in the course of their respective employments.

There is now pending in the House of Representatives a measure that is designed to relieve the situation that results from the declaration of the law through the opinions of the Supreme Court of the United States. It is believed by the sponsors of that measure that its enactment will accomplish the desired ends, and that in the event it is finally enacted into law that the various compensation acts of the country, including the act of Texas, may be relied upon by the classes of employees mentioned for relief.

You are therefore very earnestly urged to give to the above measure your earnest support, as it is hoped that its enactment will prove of great benefit to workers at the deep-water ports in this State.

Yours very respectfully,

INDUSTRIAL ACCIDENT BOARD,
By J. H. FOWLER, *Chairman.*

The Federal Government has not at yet enacted any Federal workmen's compensation act of general application, and this legislation now proposed to be passed in the pending measure can in no wise be regarded as doing anything more than according to the various States recognition of their right to deal with the question in a just and fair way for those of their citizenship who suffer from injury and for whom the respective States desire to provide means and opportunity for receiving compensation.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. CHANDLER of New York. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas yields back the remainder of his time.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRINTING AND DISTRIBUTION OF SUPREME COURT REPORTS.

Mr. WALSH. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill H. R. 11450, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Massachusetts calls up the bill H. R. 11450. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court reports, and amending sections 225, 226, 227, and 228 of the Judicial Code.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. WALSH. Mr. Speaker, this measure is made necessary principally because the provisions of the existing law fix the price at which the official reports of the Supreme Court decisions shall be sold at such a figure that the reporter who now has the publishing of them under a contract is not able to enter into a contract for the printing of them. The law provides that they shall be sold at $1.75 a volume. The committee have had hearings on this and have heard the Chief Justice, and we have amended the provisions of the Judicial Code in several material particulars. First, we have provided that the printing, if done under contract, shall be done only after competitive bids have been secured, and that an award of a contract shall be made only after an estimate has been procured from the Public Printer, and the Public Printer's estimate is more than the bid, or the Chief Justice shall certify that it is for the public interest that the printing shall be done in a private establishment. We have now fixed the salary of the reporter of the Supreme Court at a definite sum, namely, $9,000. Under the existing arrangement he gets $4,500, and he has been receiving a part of his compensation from the printing establishments with which he makes the contract. They publish a certain number of volumes and they allow him a certain amount upon the number of volumes sold. The committee felt that it was unwise and not good policy to continue that practice, that this is an important public official, and that he should be paid from the Treasury of the United States. We further provide that if this printing is done under private contract the volumes shall be turned over to the Public Printer, together with the plates, the proofs, and all the appurtenances thereto, and that these volumes shall be sold by the Superintendent of Public Documents at a price to be fixed by him to cover the cost and a sufficient amount in addition to pay at least half the expenses of the reporter and the allowances which we provide.

We further provide that if the volumes are to be printed in the Government Printing Office they shall likewise be sold by the Superintendent of Public Documents, and that he is required to turn over to the Attorney General a sufficient number of these volumes to make the distribution required by law.

Mr. RAKER. Will the gentleman yield?

Mr. WALSH. If the gentleman will pardon me for just a moment, then I will yield. The subcommittee of the Committee on the Judiciary, of which I have the honor to be chairman, must plead guilty to the delay which has ensued in taking action upon this measure. It was brought to our attention several months ago, before the present contract expired. It was a five-year contract. Since that time, because of the inability of the reporter to enter into a new contract with the publisher, he has been without any compensation since October 1; and recently, there being no contract, the Treasury Department cut off the allowances which he has under the law for rent and clerical assistance.

Mr. RAKER. Right in that connection——

Mr. WALSH. Now, I yield to the gentleman from California.

Mr. RAKER. Some suggestion has been made about the salary of the reporter being excessive. Let me ask the gentleman if it is not a fact that the reporter prepares the manuscript of the volumes that are to be printed?

Mr. WALSH. Yes; I was about to refer to the amount of the salary. There was some difference of opinion in the committee as to what the salary of this reporter should be. The reporter of the Supreme Court, as I stated, is a very important official. He has to verify every opinion which is written by the justices of that court. He has to check up the citations which they make. He reads the proofs, I think he stated two or three times, and he has to write the syllabus for each case. And as the gentleman from California appreciates, in the reports of the court of last resort of the Nation it is necessary that the syllabus of the case be prepared with great care and particularity.

Mr. RAKER. Do not the members of the court rendering the opinions assist in preparing the syllabi?

Mr. WALSH. They do not assist in the preparation of the syllabus, but the syllabus when prepared is submitted to the justice rendering the decision, and sometimes corrections are made in accordance with the suggestions of the justices.

Mr. RAKER. Before the syllabus is published?

Mr. WALSH. Yes.

Mr. RAKER. That is what I mean.

Mr. WALSH. Yes; it is submitted to the justice delivering the opinion for his approval.

Now, the clerk of the Supreme Court is paid $6,000 from the Treasury and $3,000 from the receipts of the court. Prior to this year the clerk of the court in some years got as high as $12,000 or $14,000, and I think in one year he got more than the Chief Justice of the court received.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. What becomes of the $10 charge which is made for the swearing in of attorneys when they are admitted to practice in the Supreme Court?

Mr. WALSH. Under the order of the court now that is turned in to the receipts of the court and all over and above what is necessary for printing, stationery, and certain expenses of the court is now by order of the court covered into the Treasury.

Mr. JOHNSON of Mississippi. My information was that that went to the clerk.

Mr. WALSH. It did until recently. And I may say in passing that the subcommittee of the Judiciary Committee took that matter up personally with the Chief Justice, and we held a hearing upon a bill which has been introduced by the gentleman from West Virginia [Mr. GOODYKOONTZ] seeking to fix these fees. The committee were satisfied that under the order which had been issued by the court no legislation was necessary, as the clerk now gets only a stated amount for his salary, namely, $6,000 from the Treasury and $3,000 from the receipts of the court. So we have fixed the salary of the reporter of the court at $9,000. It was the opinion of most of the committee that this work requires most careful scrutiny of this official and that the responsibility resting upon him, although of another kind, was fully as great as that resting upon the clerk of the court.

Mr. RAKER. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. RAKER. In this connection the gentleman might give us the information which has been in my mind for some time. Does the reporter furnish the companies that print the advanced sheets of the Supreme Court reports; does he furnish the manuscript from which they print those advanced publications?

Mr. WALSH. The gentleman means the law-publishing firms?

Mr. RAKER. Yes.

Mr. WALSH. No. Under existing practice—and it is to be permitted under this law—pamphlet installments of the decisions are to be printed. Little booklets of opinions of the Supreme Court in a single case are printed, as I understand it, by the same office that prints the original decisions of the justices. Those are printed within three or four days after the decision is rendered and are available for distribution. The West Publishing Co. and other publishing concerns get the opinions from that booklet.

Mr. RAKER. After you let the contract under the provisions of this bill to some particular firm to do the printing, which occurs to me wise, will this printer have protection from other publishers, or will there be any monopoly?

Mr. WALSH. The printer will not get any monopoly. He will be paid for doing the actual work, and after the actual work of printing is done all of the sheets become the property of the United States, including the plates, books—everything is turned over to the Government Printing Office.

Mr. RAKER. So there will be no monopoly?

Mr. WALSH. No. Previous to this there has been, but the committee felt that that policy ought not to be continued.

Mr. RAKER. The committee found that in the past there has been a monopoly and that the printed decisions have been more expensive than they should have been.

Mr. WALSH. I would not say that they had been more expensive; they have been sold for cash at the price fixed by law, but under the interpretation of the publishers and the reporter, if it was not paid for at the time, they held that they could charge $2.30 for them, and even under that arrangement the present publisher was unwilling to renew the contract. This company which has been printing them—the Banks law firm in New York have been printing the volumes for the last 40 or 50 years. Of course, they have been doing it under a contract running for 5-year periods, entered into between the reporter and this publishing concern.

Mr. RAKER. I understand also that the general mechanical appearance of the reports will be in the future, as they have been in the past, the original official volume. They are the most readable volumes you can find in a library.

Mr. WALSH. Yes; the gentleman will notice that in the first section of the bill it is set forth that the style, form, and type shall be subject to the approval of the court. I am advised that it is their intention to keep the style of the volumes the same as it has been in the past, both as to the size of type and the kind of paper, and so forth.

Mr. RAKER. I am glad of that, because some of these publications, which I am not criticizing, publish reports that you can not read, and you might as well throw them in the wastebasket.

Mr. WALSH. I think that is true, and a great many are thrown into the wastebasket; but, of course, no one would throw a volume of the Supreme Court reports into the wastebasket, and particularly if they are prepared in the manner and in a way which would appeal to a learned attorney like my distinguished friend from California.

Mr. RAKER. If any lawyer gets able to buy a set of Supreme Court reports, it is the best expenditure of money that he can make.

Mr. WALSH. Now, I want to direct the attention of the House to an amendment which the committee has agreed to and for which I claim no particular credit. It was put in at the suggestion of the gentleman from South Carolina. It is to this effect: That when a contract is entered into there shall be no provision in the contract which will permit the reporter or any of his assistants to receive from the contractor or printer anything by way of additional or further compensation, such as has been done and continued for many years in the past. We further provide an amendment to the last section that while the act shall be effective as of November 1, because since that time the reporter has not been able to receive any compensation or salary, there shall be deducted from it anything allowed him for rent or clerical assistance or for telephone.

One further point, we have insisted that the reporter shall be given a room located in the Capitol convenient to the Supreme Court. At the present time he has an office down town. We believe that the reporter of a court should be located conveniently to the court room, which is in the Capitol, and we have put in a provision so that the authorities in charge of that section of the Capitol Building must see to it that the reporter is furnished with suitable quarters adjacent to the court room with suitable furnishings.

Now, unless there are further questions, I have nothing further to say about the bill.

The SPEAKER pro tempore (Mr. HUSTED). The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That section 226 of the Judicial Code is hereby amended to read as follows:

"SEC. 226. The salary of the reporter shall be $9,000 per annum, payable out of the Treasury in monthly installments. He shall also be allowed for professional and clerical assistance and stationery not to exceed $4,500 per annum, to be paid upon vouchers signed by him and approved by the Chief Justice. He shall be furnished a room in the Capitol, with suitable furniture, convenient to the space occupied by the Supreme Court and the law library thereof."

With the following committee amendment:

Page 3, line 13, after the word "installments," insert: "which shall be in full compensation for the services required by law; and neither the reporter nor any assistants shall receive further or additional compensation by reason of any contract entered into under the provisions of section 225 of the Judicial Code as amended by this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DOMINICK. Mr. Speaker, I move to amend, on line 11, page 3, by striking out "$9,000" and inserting in lieu thereof "$7,500."

The SPEAKER pro tempore (Mr. HUSTED). The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as folows:

Amendment offered by Mr. DOMINICK: Page 3, line 11, strike out "$9,000" and insert in lieu thereof "$7,500."

Mr. DOMINICK. Mr. Speaker, this bill and its object has been very fully and thoroughly explained by the gentleman from Massachusetts [Mr. WALSH], who has the bill in charge. It is a proper bill and should have been passed some time ago, to correct what might be called the loose practice which has been going on for a good long while in the publishing of our official reports and in the compensation for the Supreme Court reporter. However, in fixing this, I think we should be mindful of what has taken place in the past, and if we are going to correct the present plan as it now is we should not make it any worse than it has been. Up to this time, and in my opinion without any authority of law whatsoever, the reporter of the Supreme Court, for probably 40 years or longer, has been permitted to enter into a private contract with the publishers of these official reports, for which he has received from $6,000 to $6,500 a year in addition to a salary of $4,500 allowed by law. I do not mean to charge that the present reporter or any other has been willfully violating the law in making such a private contract. They were only following in the footsteps of their predecessors, and it was a practice that should have been stopped. That is what we propose in this section of the bill, by inserting the amendment which has been explained by the gentleman from Massachusetts, absolutely prohibiting the reporter from accepting any additional compensation by reason of the publication and printing of the reports.

The salary of the reporter under the present law is fixed at $4,500 per annum. Under the contract which he has had with the publishers he has been receiving, as I have stated, $6,500 per annum in addition to that. He is allowed by law some $1,200, I think, in cases where there is more than one volume of reports issued per term of court, and, as I understand it, now the usual number of volumes issued to carry the decisions of the court is three.

In addition to that I think he was allowed something like $1,500 for clerical services, rent, telephone, and so forth, making his total compensation, or his aggregate receipts for all purposes for his services, clerk hire, office rent, and so forth, about $14,000. Now, we come along with this bill, and if we let these figures remain as they are at the present time we will be paying him more than he is receiving under the present contract. In the first place, we provide a salary of $9,000 per annum. In addition to that we propose to give him for clerical and for professional assistance, stationery, and so forth, not to exceed $4,500. We all know that this is a very important position. We all know that it is work which is very careful

and painstaking and the position should be filled by a man of ability. I am sorry that I have not at hand the salaries paid to the reporters of the respective appellate jurisdictions throughout the country. If we had them before us I am satisfied that we would find that none of them anywhere receives anything near approaching the amount allowed to the Supreme Court reporter in this bill.

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that his time be extended for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DOMINICK. This bill allows him $1,500 more than the salary of a Representative in Congress or a Senator, and $4,500 in expenses is allowed, which is excessive, according to the statement of the reporter himself. In his testimony before the Committee on Appropriations in rendering a detailed statement of the total expenses of the office of the reporter for the years 1916, 1917, 1918, 1919, and 1920 we find that in 1916 for clerical hire, office rent, telephone, stationery, and miscellaneous he expended $2,737.54; for 1917, for the same items, $2,886.49. In 1918, for the same items, $3,001.90; in 1919, for the same items, $3,239.14; and in 1920, for the same items, $3,170.68. Yet by this bill we propose to give him $9,000 salary and an expense account of $4,500, and in addition to that furnish him an office in the Capitol, which ought to be done, and with which proposition I am in hearty accord, rent free, telephone service, and in all probability his stationery will be furnished by the court. As I say, we allow him $4,500 expenses, which is $1,400 more expenses than he spent for the year 1920.

These are small items, and some one might suggest that it is foolish to take up the valuable time of the House in moving a reduction of $1,500 in this salary. However, we have to keep things down somewhere, and in view of these circumstances I hope that the amendment which I have just offered will be adopted, and that the one which I shall subsequently offer, without debate, reducing the expense account to $3,500 instead of $4,500, will also be adopted.

Mr. WALSH. Mr. Speaker, just a word with reference to the gentleman's contention. The salary of the reporter of the court is fixed at the same figure as I stated before as the clerk receives. While I agree with the gentleman that the salaries of public officials should not be fixed by Congress at any exorbitant figure, I feel that when we consider we are dealing with the third coordinate branch of our Government—the judiciary, the Supreme Court, which is established in the Constitution—we ought to fix a salary for that very important position which will make certain that the court will be able to get a competent and efficient man for the work which it is necessary for him to do. It is true that the amount expended for allowances heretofore has been less than what is fixed in this bill, but heretofore the amount allowed has been paid to the reporter. We now provide that none of this money for clerical and professional assistance is to be paid except upon a voucher approved by the Chief Justice of the Supreme Court, and the $4,500 is a maximum. It was felt, in view of the radical departure in the matter of policy which this bill inaugurates, that we ought not to be in the position of appropriating a sum which might, under certain circumstances, restrict the court.

And so the original proposition, as my friend from South Carolina will recall, was to fix the salary of the reporter at $10,000 and to allow him $3,500 for professional assistance, $1,500 for stenographic assistance, and $1,200 for rent and telephones, and so we have reduced the figures materially, and it was felt that in view of the testimony brought out before our committee and the statement of the Chief Justice of this great court that it would be very seemly indeed if we accorded the figures which were suggested as being adequate.

Mr. CAREW. Will the gentleman yield?

Mr. WALSH. I will.

Mr. CAREW. Is not this salary larger than the salary of a district or circuit judge?

Mr. WALSH. The salary is the same as the circuit judge; it is larger than a district judge. But you pay your supreme judges in New York more than we pay the Chief Justice of the United States Supreme Court.

Mr. CAREW. Of course that is true.

Mr. WALSH. We pay in Massachusetts our reporter a fixed sum and furnish him with all his assistants and quarters, so the total expenditure in Massachusetts for the reporter of the supreme court of Massachusetts is more than the salary of a judge of the superior court.

Mr. CAREW. The gentleman does not think it requires a more talented man for this duty than for a district judge who sometimes presides over the trial of a man for life?

Mr. WALSH. No; but the gentleman must understand that the person holding this position is in a way required to devote himself to this work, and the results of his efforts do not appear, and if it is desired to keep up the standard which has been kept heretofore, and particularly in view of the fact that the reporters under the arrangement that has existed in the past have received much more than this, the committee felt that the salary of the reporter ought at least be equal to that of the clerk.

Mr. CAREW. Does not the gentleman think that the judges of the Supreme Court ought to have known what was going on in their household all these years?

Mr. WALSH. They did.

Mr. CAREW. Do I understand the gentleman to say they knew of this situation?

Mr. WALSH. Absolutely. It has been carried on by every reporter of the court since practically they began printing their decisions.

Mr. CAREW. Does not the gentleman think the practice has been very short of a sort of petty graft?

Mr. WALSH. No; I do not think it was petty graft. I think it was rather unfortunate practice to indulge in, but you must recollect that the reporter was required to publish this volume to be sold at a certain price, and if there was more than one volume he was only allowed a certain amount in addition, and if there was a third volume, as there has been for a good many years, he was allowed nothing in addition, and he had to put in all that work for what he was getting under the contract. I do not care to characterize it as any sort of graft, but I think it was a practice that should not be permitted to continue, and I think the gentleman will agree with me that if we have a public official, even though he be connected with the judiciary branch of the Government, that the people should know what his salary is and how much it is costing the taxpayer, and nobody else ought to contribute to the compensation. That is what this bill accomplishes, and for the reason that the Supreme Court clerk gets more than district judges, and that this man has very responsible work to do, we did not think this was an exorbitant salary.

Mr. CAREW. Mr. Speaker, I offer a substitute for the amendment of the gentleman from South Carolina. Strike out the figures "$9,000" and insert "$6,000."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CAREW offers as a substitute for the amendment offered by Mr. DOMINICK: Page 3, line 11, strike out the figures "$9,000" and insert in lieu thereof "$6,000."

Mr. CAREW. Now, Mr. Speaker, in view of the remarks of the gentleman from South Carolina, and also in view of the very fair remarks of the gentleman from Massachusetts, I think those of us who have been familiar with the situation which developed in the Supreme Court in regard to this office of reporter ought to do what we can to cut this thing down to a reasonable amount. A district judge of the United States, who presides over litigation that may involve life or any amount of money, gets $7,500 a year. He only got the $7,500 within very recent years; he used to work for $6,000 a year. A circuit judge, who sits on a circuit court of appeals, gets $9,000, and he used to get $6,000 a year. Of course, those of us who are lawyers know that this gentleman who acts as reporter of the Supreme Court is not a great deal more than a proof reader.

Mr. WALSH. Will the gentleman yield?

Mr. CAREW. Yes, sir.

Mr. WALSH. Does the gentleman know of any proof reader anywhere who is able to write a syllabus of any decision of a court?

Mr. CAREW. I know a great many law students and law clerks who can write very good syllabi and, of course, the gentleman knows that this syllabus is submitted to the justice who wrote the opinion, and he revises it. Now, I do not believe that this man earns $9,000 when you compare what he does with the work that district judges and circuit judges do. I think he will be amply compensated if he gets $6,000 a year and gets all of these expenses he used to pay out of his fees and perquisites, and which will now be paid for him by the Government. He will be amply paid if he gets $6,000 a year. That is all that I desire to say.

Mr. HUSTED. Mr. Speaker, I happen to be a member of the Subcommittee of the Committee on Appropriations which heard

the testimony of the United States Supreme Court reporter touching his compensation, and we found a rather peculiar state of affairs. He receives a salary fixed by the statute. He also receives a certain amount for expenses. In addition to that, he has the right to let a contract for the publication of the Supreme Court Reports, and he exacts from the publishers, the Banks Publishing Co., a considerable part of the contract price for the privilege of printing the reports.

I do not mean that he did anything illegal, but it was mighty bad practice, and this amendment is a great improvement upon existing law. Of course, the publishing house wanted the business because it was fine publicity for any publishing house to have its name on the reports of the highest court in the United States. The publishing house took the contract at a very low price. It undoubtedly did not make any money on it; and then in order to make enough out of it to cover expenses proceeded at once, as I think, to evade the law in the most palpable way. In other words, the statute fixes the price at which the reports can be sold, but the publishing house tried to get around it by saying, "If you come here and buy one of these reports over the counter, we will sell it to you at the statutory price; but if you live up in the country and want one of these reports sent to you, we will just about double the price." I believe they have no right under the statute to take any more than the statutory price plus the necessary cost of transporting the volume through the mails and the cost of wrapping for shipment.

Now, as the result of these different methods of securing compensation, I found the reporter last year got about $12,000 for his services. The reporter for the Court of Claims gets $1,000 a year for his services, and he reports one big volume of decisions—a good deal bigger than any one of the Supreme Court reports—and he does exactly the same kind of work, although, of course, it is not so important, because the court is not so important and because the decisions are not the last word, as are the decisions of the United States Supreme Court. But, nevertheless, he had more actual work to do in preparing one volume of the decisions of the Court of Claims than the reporter of the United States Supreme Court had in any one volume, because there are a great many more pages of Court of Claims decisions than in any one volume of Supreme Court decisions. We found, in addition, that for the past few years the reporter has been getting out three volumes of United States Supreme Court decisions, and he found a way in the law to get paid for the third volume. He would furnish two volumes free of charge but he insisted upon payment for the third volume, even when that was to be delivered to the departments of the United States Government.

Mr. CAREW. Will the gentleman yield?

Mr. HUSTED. I do.

Mr. CAREW. Is that the man who is now in the office?

Mr. HUSTED. That is the man who is now in the office; and I do not charge him with any violation of law. I believe he had a right to do what he did under a strict interpretation of the statute. I am not finding fault with the man so much as I am finding fault with the vicious system under which this work has been carried on. I do not believe that $6,000 is adequate compensation of the reporter of the United States Supreme Court, but, on the other hand, I believe that $7,500 is fully adequate, and I feel that if the amendment offered by the gentleman from South Carolina [Mr. DOMINICK] is adopted we will be doing the right thing and will fix the compensation at a fair amount. I believe that $9,000 would be excessive.

Mr. CAREW. Will the gentleman yield?

Mr. HUSTED. I do.

Mr. CAREW. Do you not think that the man ought to be removed from his office by the judges of the Supreme Court?

Mr. HUSTED. I am convinced that the Supreme Court knew everything that was going on, and I am convinced he was acting within the law.

Mr. CAREW. If I had not known about him, I would have made some inquiry.

Mr. WALSH. I would like to have a moving picture of the gentleman doing so.

Mr. CAREW. I suppose it will be impossible with the present composition of the House of Representatives and the Senate.

Mr. WALSH. It certainly would if the gentleman from New York was to start anything of that kind.

Mr. CAREW. It would be in line with the policy of the House and of the Senate as at present constituted.

Mr. VOLSTEAD. Mr. Speaker, I realize that Members may differ as to what this compensation ought to be. It is argued that if the judges of the district court get only $7,500, that ought to be enough. Now, we have thousands of lawyers all over this country that would be qualified to fill positions as judges, but there are but a very few men that can satisfactorily fill a position of this kind.

Mr. DOMINICK. Will the gentleman yield?

Mr. VOLSTEAD. I have only five minutes. It does take something besides simply a knowledge of law. A reporter has to have considerable training along entirely different lines from that of a judge. He must draw the syllabi in the cases decided by the Supreme Court. It does take a man of very good judgment to be able to determine definitely just what an opinion does decide. It is true that syllabi are submitted to the Supreme Court judges, but the judges do not, as a rule, pay much attention to them. The reporter has to go through all the cases and consider every feature of them; he has to be very accurate, check every citation, and index each volume. The work is one requiring special training, and the man must have the entire confidence of the court. I believe there is no question but that a court reporter ought to get something more than $7,500.

The SPEAKER. The question is on the amendment of the gentleman from New York [Mr. CAREW] to the amendment offered by the gentleman from South Carolina.

The question was taken.

The SPEAKER. The amendment is rejected. The question is now on the amendment of the gentleman from South Carolina.

Mr. CAREW. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order there is no quorum present. It is clear that no quorum is present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The roll was called, and the following Members failed to answer to their names:

Andrew, Mass.	Frear	Lineberger	Ryan
Appleby	French	Linthicum	Sanders, Ind.
Atkeson	Frothingham	Longworth	Sanders, N. Y.
Bacharach	Gallivan	McArthur	Scott, Mich.
Bankhead	Garrett, Tenn.	McFadden	Sears
Barkley	Glynn	McKenzie	Shreve
Beck	Goldsborough	McLaughlin, Pa.	Siegel
Blakeney	Goodykoontz	McPherson	Sinnott
Bland, Ind.	Gould	Madden	Sisson
Boies	Graham, Pa.	Maloney	Slemp
Bond	Griest	Mann	Smithwick
Brand	Griffin	Mansfield	Snyder
Britten	Harrison	Martin	Stafford
Brooks, Pa.	Haugen	Merritt	Stedman
Burtness	Hawes	Michaelson	Steenerson
Butler	Hays	Mills	Stiness
Byrnes, S. C.	Henry	Montoya	Stoll
Cantrill	Hicks	Moore, Ill.	Strong, Pa.
Chandler, Okla.	Hill	Moore, Ohio	Sullivan
Clague	Himes	Morin	Sumners, Tex.
Clark, Fla.	Hudspeth	Mott	Sweet
Clarke, N. Y.	Ireland	Mudd	Tague
Classon	Jacoway	Murphy	Taylor, Ark.
Cockran	James	Nelson, A. P.	Taylor, Colo.
Codd	Jefferis, Nebr.	Nelson, J. M.	Taylor, Tenn.
Cole, Iowa	Jeffers, Ala.	Newton, Minn.	Ten Eyck
Cole, Ohio	Johnson, S. Dak.	O'Brien	Tilson
Collier	Johnson, Wash.	Oldfield	Timberlake
Collins	Jones, Pa.	Olpp	Tinkham
Connell	Jones, Tex.	Paige	Treadway
Connolly, Pa.	Kahn	Parker, N. J.	Upshaw
Copley	Kelley, Mich.	Parker, N. Y.	Vaile
Coughlin	Kendall	Parks, Ark.	Vare
Cramton	Kennedy	Patterson, N. J.	Voigt
Darrow	Kiess	Perkins	Volk
Davis, Minn.	Kincheloe	Perlman	Walters
Dempsey	Kindred	Petersen	Ward, N. Y.
Dickinson	Kinkaid	Pou	Ward, N. C.
Dowell	Kirkpatrick	Radcliffe	Wason
Drane	Kitchin	Rainey, Ala.	Watson
Driver	Kleczka	Rainey, Ill.	Weaver
Dunbar	Knight	Ransley	Wheeler
Evans	Knutson	Rayburn	Williams, Ill.
Fairchild	Kopp	Reavis	Winslow
Faust	Kraus	Reber	Wise
Favrot	Kreider	Riddick	Wood, Ind.
Fenn	Kunz	Riordan	Woodruff
Fess	Langley	Rodenberg	Wurzbach
Fields	Larson, Minn.	Rogers	Wyant
Fish	Layton	Rosenbloom	Yates
Focht	Lee, Ga.	Rouse	Zihlman
Fordney	Lehlbach	Rucker	

The SPEAKER. Two hundred and twenty-four Members have answered to their names. A quorum is present.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Massachusetts moves that further proceedings be dispensed with under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The Chair will state the situation before the House. The gentleman from South Carolina [Mr. DOMINICK]

moved to amend by reducing the salary of the reporter of the Supreme Court from $9,000 to $7,500, and the gentleman from New York [Mr. CAREW] moved to amend that by reducing it still further to $6,000, and the vote first comes on the latter amendment. The Clerk will report the latter amendment.

The Clerk read as follows:

Amendment offered by Mr. CAREW as substitute for the amendment offered by Mr. DOMINICK: On page 3, line 11, strike out "$9,000" and insert "$6,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. BLANTON. Mr. Speaker, a division.

The SPEAKER. A division is called for.

The House divided; and there were—ayes 24, noes 72.

Mr. BLANTON. Mr. Speaker, I object to the vote, and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas objects to the vote, and makes the point of order that there is no quorum present.

Mr. WALSH. Mr. Speaker, I make the point of order that there has already been a point of order made, and you can not have two points of no quorum made upon the same vote. The Chair announced previously that the "noes" had it, and the amendment was not adopted. The Chair then stated, "The question now comes on the motion of the gentleman from South Carolina," and it was at that point that the gentleman from New York made the point of no quorum. You certainly can not have two points of no quorum made on the same amendment. There has been a call of the House that disclosed a quorum.

Mr. BLANTON. The other vote was not a vote on this amendment. It was merely a no-quorum call. This is a direct vote, and the vote has disclosed less than 50 votes for and less than 100 votes against, and under the ruling of Mr. Champ Clark, which has been followed by the Speaker, it is held that where there is a direct vote on a proposition and it discloses no quorum, it is always in order to have a roll call on that proposition.

Mr. WALSH. The Chair has announced twice that this amendment has been lost.

The SPEAKER. The gentleman from Massachusetts correctly states that. The Chair did announce, before the point of no quorum was made, that the "noes" had it, and began to state the next question; but the Chair thought that the gentleman from New York was probably trying to attract the attention of the Chair, and the Chair had not noticed him, and therefore he disregarded the Chair's previous statement that the vote had been had. Technically the gentleman from New York [Mr. CAREW] made his point of no quorum too late to secure another vote on his amendment, but the Chair thinking it was accidental allowed another vote, and now advantage is taken of that to secure a no-quorum roll call. The question in the mind of the Chair is whether, a roll call having been just taken and no business having been transacted in between, a point of no quorum can be made; but the Chair is disposed to hold that it can. The Chair does not believe there is a quorum present, and the Chair will sustain the point of order made by the gentleman from Texas [Mr. BLANTON]. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. As many as favor the amendment offered by the gentleman from New York [Mr. CAREW] will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 83, nays 138, answered "present" 1, not voting 209, as follows:

YEAS—83.

Almon	Deal	Johnson, Miss.	Ricketts
Andrews, Nebr.	Dominick	Kline, Pa.	Sabath
Aswell	Doughton	Lanham	Sanders, Tex.
Begg	Fisher	Lankford	Sandlin
Bell	Foster	Larsen, Ga.	Scott, Tenn.
Benham	Fulmer	Logan	Sisson
Black	Garner	Lowrey	Steagall
Bland, Va.	Garrett, Tex.	Lyon	Stevenson
Blanton	Gensman	McSwain	Swank
Bowling	Gilbert	Mead	Thomas
Box	Gorman	Moore, Va.	Thompson
Briggs	Hammer	Moores, Ind.	Tillman
Browne, Wis.	Hardy, Tex.	O'Connor	Tucker
Buchanan	Harrison	Oliver	Tyson
Bulwinkle	Hayden	Overstreet	Vinson
Carew	Herrick	Park, Ga.	Williams, Tex.
Carter	Hooker	Parks, Ark.	Wingo
Connally, Tex.	Huddleston	Pringey	Woods, Va.
Crisp	Humphreys	Quin	Wright
Cullen	Jeffers, Ala.	Rankin	Wurzbach
Davis, Tenn.	Johnson, Ky.	Rayburn	

NAYS—138.

Ackerman	Edmonds	Leatherwood	Roach
Anderson	Elliott	Lee, N. Y.	Robsion
Ansorge	Ellis	Lineberger	Rose
Arentz	Fairfield	Little	Rossdale
Barbour	Faust	Luce	Schall
Beedy	Free	Luhring	Shaw
Bird	Freeman	McCormick	Shelton
Bixler	Fuller	McLaughlin, Mich.	Sinclair
Bowers	Gahn	MacGregor	Sinnott
Brennan	Gernerd	Madden	Smith, Idaho
Brooks, Ill.	Graham, Ill.	Magee	Smith, Mich.
Burdick	Green, Iowa	Mapes	Snell
Burke	Greene, Mass.	Michener	Speaks
Burtness	Greene, Vt.	Miller	Sproul
Burton	Hadley	Millspaugh	Stephens
Cable	Hardy, Colo.	Mondell	Summers, Wash.
Campbell, Kans.	Hawley	Montague	Swing
Campbell, Pa.	Hersey	Morgan	Taylor, N. J.
Cannon	Hickey	Morin	Temple
Chalmers	Hill	Nelson, Me.	Timberlake
Chandler, N. Y.	Hoch	Newton, Minn.	Tincher
Chindblom	Hukriede	Nolan	Towner
Christopherson	Hull	Norton	Underhill
Clouse	Husted	Ogden	Vestal
Cooper, Ohio	Keller	Osborne	Volstead
Crago	Kelly, Pa.	Padgett	Walsh
Crowther	Ketcham	Patterson, Mo.	Webster
Curry	King	Porter	White, Kans.
Dale	Kissel	Purnell	White, Me.
Dallinger	Kleczka	Raker	Williamson
Denison	Kline, N. Y.	Ramseyer	Woodyard
Dunn	Lampert	Reece	Young
Dupré	Lawrence	Reed, N. Y.	Zihlman
Dyer	Lazaro	Reed, W. Va.	
Echols	Lea, Calif.	Rhodes	

ANSWERED "PRESENT"—1.

Dowell

NOT VOTING—209.

Andrew, Mass.	Fish	Layton	Rouse
Anthony	Fitzgerald	Lee, Ga.	Rucker
Appleby	Focht	Lehlbach	Ryan
Atkeson	Fordney	Linthicum	Sanders, Ind.
Bacharach	Frear	London	Sanders, N. Y.
Bankhead	French	Longworth	Scott, Mich.
Barkley	Frothingham	McArthur	Sears
Beck	Funk	McClintic	Shreve
Blakeney	Gallivan	McDuffie	Siegel
Bland, Ind.	Garrett, Tenn.	McFadden	Slemp
Boies	Glynn	McKenzie	Smithwick
Bond	Goldsborough	McLaughlin, Nebr.	Snyder
Brand	Goodykoontz	McLaughlin, Pa.	Stafford
Britten	Gould	McPherson	Stedman
Brooks, Pa.	Graham, Pa.	Maloney	Steenerson
Brown, Tenn.	Griest	Mann	Stiness
Burroughs	Griffin	Mansfield	Stoll
Butler	Haugen	Martin	Strong, Kans.
Byrnes, S. C.	Hawes	Merritt	Strong, Pa.
Byrns, Tenn.	Hays	Michaelson	Sullivan
Cantrill	Henry	Mills	Sumners, Tex.
Chandler, Okla.	Hicks	Montoya	Sweet
Clague	Himes	Moore, Ill.	Tague
Clark, Fla.	Hogan	Moore, Ohio	Taylor, Ark.
Clarke, N. Y.	Hudspeth	Mott	Taylor, Colo.
Classon	Hutchinson	Mudd	Taylor, Tenn.
Cockran	Ireland	Murphy	Ten Eyck
Codd	Jacoway	Nelson, A. P.	Tilson
Cole, Iowa	James	Nelson, J. M.	Tinkham
Cole, Ohio	Jefferis, Nebr.	Newton, Mo.	Treadway
Collier	Johnson, S. Dak.	O'Brien	Upshaw
Collins	Johnson, Wash.	Oldfield	Vaile
Colton	Jones, Pa.	Olpp	Vare
Connell	Jones, Tex.	Paige	Voigt
Connolly, Pa.	Kahn	Parker, N. J.	Volk
Cooper, Wis.	Kearns	Parker, N. Y.	Walters
Copley	Kelley, Mich.	Patterson, N. J.	Ward, N. Y.
Coughlin	Kendall	Perkins	Ward, N. C.
Cramton	Kennedy	Perlman	Wason
Darrow	Kiess	Petersen	Watson
Davis, Minn.	Kincheloe	Pou	Weaver
Dempsey	Kindred	Radcliffe	Wheeler
Dickinson	Kinkaid	Rainey, Ala.	Williams, Ill.
Drane	Kirkpatrick	Rainey, Ill.	Wilson
Drewry	Kitchin	Ransley	Winslow
Driver	Knight	Reavis	Wise
Dunbar	Knutson	Reber	Wood, Ind.
Evans	Kopp	Riddick	Woodruff
Fairchild	Kraus	Riordan	Wyant
Favrot	Kreider	Robertson	Yates
Fenn	Kunz	Rodenberg	
Fess	Langley	Rogers	
Fields	Larson, Minn.	Rosenbloom	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Bond with Mr. Bankhead.

Mr. Patterson of New Jersey with Mr. Rucker.

Mr. Classon with Mr. McDuffie.

Mr. Goodykoontz with Mr. Cantrill.

Mr. Murphy with Mr. Sears.

Mr. Michaelson with Mr. Fields.

Mr. Ryan with Mr. Hudspeth.

Mr. Volk with Mr. Jones of Texas.

Mr. Moore of Ohio with Mr. Taylor of Colorado.

Mr. Bland of Indiana with Mr. Smithwick.

Mr. Evans with Mr. Driver.

Mr. Fitzgerald with Mr. O'Brien.
Mr. Cramton with Mr. Barkley.
Mr. Knight with Mr. Kunz.
Mr. Frear with Mr. Mansfield.
Mr. Kendall with Mr. Rainey of Illinois.
Mr. Strong of Pennsylvania with Mr. Riordan.
Mr. French with Mr. Taylor of Arkansas.
Mr. Stiness with Mr. Kindred.
Mr. Frothingham with Mr. Stedman.
Mr. A. P. Nelson with Mr. Drane.
Mr. Kraus with Mr. Rainey of Alabama.
Mr. Graham of Pennsylvania with Mr. London.
Mr. Wyant with Mr. Griffin.
Mr. Griest with Mr. Jacoway.
Mr. Newton of Missouri with Mr. Ward of North Carolina.
Mr. Kelley of Michigan with Mr. Weaver.
Mr. Johnson of Washington with Mr. Stoll.
Mr. Lehlbach with Mr. Byrns of Tennessee.
Mr. Coughlin with Mr. Garrett of Tennessee.
Mr. Dowell with Mr. Oldfield.
Mr. Langley with Mr. Clark of Florida.
Mr. Paige with Mr. Sullivan.
Mr. Treadway with Mr. Cockran.
Mr. McFadden with Mr. Byrnes of South Carolina.
Mr. Bacharach with Mr. McClintic.
Mr. Anthony with Mr. Gallivan.
Mr. Chandler of Oklahoma with Mr. Tague.
Mr. Fess with Mr. Goldsborough.
Mr. Knutson with Mr. Pou.
Mr. Maloney with Mr. Collins.
Mr. Olpp with Mr. Martin.
Mr. Appleby with Mr. Sumners of Texas.
Mr. Connell with Mr. Wise.
Mr. Perlman with Mr. Brand.
Mr. Vare with Mr. Lee of Georgia.
Mr. Sanders of Indiana with Mr. Wilson.
Mr. Siegel with Mr. Collier.
Mr. Boise with Mr. Upshaw.
Mr. Dickinson with Mr. Kitchin.
Mr. Kiess with Mr. Hawes.
Mr. Murphy with Mr. Favrot.
Mr. Beck with Mr. Drewry.
Mr. Ransley with Mr. Ten Eyck.
Mr. Snyder with Mr. Kincheloe.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment offered by the gentleman from South Carolina [Mr. DOMINICK].

Mr. HUSTED. Mr. Speaker, I ask that the amendment be again reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DOMINICK: Page 3, line 11, strike out "$9,000" and insert "$7,500."

The amendment was agreed to.

Mr. DOMINICK. Mr. Speaker, I wish to offer a further amendment, in line 19, page 3, to strike out "$4,500" and insert in lieu thereof "$3,500."

The SPEAKER. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOMINICK: Page 3, line 19, strike out "$4,500" and insert "$3,500."

Mr. DOMINICK. Mr. Speaker, I just want to call attention to my amendment in a few words. It is to reduce the amount to be allowed to the reporter of the Supreme Court for professional and clerical assistance and stationery. The bill provides that he shall be allowed the sum of $4,500 per annum. My amendment proposes to reduce this amount to $3,500. I do it for the reason, as stated a few moments ago in my general remarks on his salary, that the testimony of the reporter before the Appropriations Committee showed that for the year 1920, which was the year in which the largest amounts were expended by him for clerical assistance, he spent only the sum of $2,441.16 for these items. If my amendment is adopted he will be allowed practically $1,100 more than he spent in the year 1920, the highest amount that he has paid for such services in any year, and I think it is liberal and ample to supply him with sufficient help.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry. Has there been a vote on the $7,500 amendment?

Mr. DOMINICK. Yes; that amendment has been carried. The salary has been reduced from $9,000 to $7,500 by a vote of the House.

Mr. BEGG. Why would not the fair way be to make it $4,500 or such amount as he needs?

Mr. DOMINICK. That is practically allowed by the bill as it is now.

Mr. BEGG. Why does the gentleman need to change it, then, if that is all he can use?

Mr. DOMINICK. The bill allows a maximum of $4,500.

Mr. BEGG. I understand that. What is the damage if you have a provision that it shall be $4,500 or such amount as he requires?

Mr. DOMINICK. The damage is that, according to his own testimony, it is necessary for him to spend only $2,441 for this kind of services in one year.

Mr. BEGG. It might be necessary for him to spend more next year.

Mr. DOMINICK. If it were necessary to spend only $2,441 in 1920, the largest amount he ever expended, why is not $3,500, which is $1,100 more than he has ever expended, sufficient at this time?

Mr. BLANTON. If in the highest year—1920—he spent only $2,441—and that is conceded to be the highest year—why, then, make it $3,500? Why not make it $2,441?

Mr. DOMINICK. I have no objection to making it lower, but I fixed that amount in my amendment to show that I was trying to see that he was amply and liberally provided for, and that he would have sufficient assistance. Furthermore, Mr. Speaker and gentlemen of the House, under the head of "Office rent, telephone, stationery," and so forth, he expended in 1920 $720.52. Those amounts under the terms of this bill are not to be paid by the reporter on account of the fact that, as I stated a few minutes ago, this bill provides that he shall be furnished an office here in the Capitol Building convenient to the Supreme Court, which is a very proper provision, in my judgment. If my amendment is carried I do not see that the reporter, or any one of his apologists, can complain when, under that amendment, he will be allowed $1,100 more than it has been necessary for him to expend in the past for clerical and professional assistants.

Mr. WALSH. Mr. Speaker, the practice heretofore has been to pay the reporter on the lines fixed by law. He has had an office downtown in conjunction with, I think, a law firm where he had the use of the library. Now, under this bill no expenditure can be made without the voucher being approved by the Chief Justice of the United States. Whatever amount is to be expended under this law will have to pass under the approval of the court. It was felt that inasmuch as we were making a departure in the prior practice of the court, that we were fixing a salary which was commensurate at much less than the reporter had been receiving heretofore, we ought to make ample provision for assistance and for the service he necessarily has to have in order to do this important work. In view of the fact that this is a maximum and that no money will be spent unless needed, the committee felt that the provisions of the bill should be adopted.

Mr. DOMINICK. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. DOMINICK. The gentleman knows that when the law fixes a maximum of this kind, the maximum is usually expended.

Mr. WALSH. Sometimes it is and sometimes it is not; it depends on how the expenditure is made. Under this bill I do not believe that the Chief Justice of the United States will be approving any vouchers for expenditures in connection with the issuance of the official reports of the highest court in the land unless the expenditure is warranted.

Mr. RAKER. Mr. Speaker, I move to strike out the last word. Ordinarily it is all right to curtail the salary to be paid to a man, and all right to reduce the expenses allowed him if efficiency can be had. To my mind, outside of the court itself this particular office is one of the most important offices connected with the judiciary in the United States. You can say what you have a mind to about this man being an amanuensis and only a proof reader, but as a matter of fact it requires one of the best-trained legal minds in the country to fill that office. For many years past, and at the present time, it has had some of the best lawyers in the United States. The present incumbent is one of the best lawyers in the United States. He has been an Assistant Attorney General for a number of years, and his work in the Supreme Court has been exceptionally fine. Mr. Knaebel is the present reporter, and those of us familiar with the Western States and the land litigation realize the tremendous work he has had to do and the great success that has followed that work. Now, gentlemen talk as if we were squandering the money. The question is whether a man should be given a reasonable and adequate amount to maintain his office and a proper equipment for his office.

In addition to that this bill provides that the public generally, the lawyers who buy and use these books, pay for this salary of the reporter and all the expenses for maintaining his office. That is provided for on pages 7 and 8 of the bill. That provision reads:

"SEC. 228. The number of bound volumes and advance pamphlet installments, to be printed under the provisions of section 225, shall be determined by the reporter from estimates furnished by the Attorney General and the Superintendent of Documents, and the prices for said bound volumes and pamphlet installments shall be fixed by the reporter with the approval of the Attorney General and shall equal the cost of composition, plating, printing, and binding, and such additional amount as shall equal as nearly as may be one-half the sums appropriated for the salary and expenses of the reporter under the provisions of section 226.

So, as a matter of fact, all of the costs in preparing the decisions of the Supreme Court and, in addition to that, one-half of the expenses of the reporter that attends to that matter and all the expenses of his office is to be added to the cost of the volume to be sold to the people. There would be just as much justice in saying that they should charge enough for the volume to pay the salary of the Chief Justice and Associate Justices of the Supreme Court, for this man is a public officer. But here you are fixing the salary of the reporter to do this work. It requires a high-grade man, a man of years of experience and legal training. You add one-half of his expenses to the cost of the book. As a matter of fact, the books prepared as they are now ought to go to the public at the actual cost of production. So, while you are talking about reducing it, do not cut it to such a small amount as to get an inefficient man in the service and inadequate and improper equipment.

That is not economy. Economy is when you are actually saving and paying for a thing what it is actually worth. Wherever you reduce a salary and get an inefficient man or a poor article that is not economy. If you get poor material and pay less than you do for first-class material, you are not economizing; you are wasting the public money. It is the same way in hiring a man as it is in obtaining an article. Pay a good, fair price and get the best. Hire the best experienced and intelligent man you can get and pay him a reasonable and fair price.

Mr. BLANTON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. BLANTON. Did the gentleman hear the speech of the gentleman from Kentucky on the amount that this reporter receives?

Mr. RAKER. I was here, as is my usual habit when the House is in session. I say he ought to be paid what he is worth, and he ought to have a good, fair salary. It requires a he man, a man of experience, to do that kind of work and do it properly. If it required a larger sum, and it was necessary, I should vote to pay it to him.

Mr. WALSH. Mr. Speaker, I move that all debate upon this section and all amendments thereto close in five minutes.

Mr. BLANTON. Mr. Speaker, I want to offer a substitute.

The SPEAKER. The gentleman from Massachusetts moves that all debate upon the section and all amendments thereto close in five minutes.

Mr. BLANTON. I hope the gentleman will give us an opportunity to offer a substitute.

Mr. WALSH. Question, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that all debate upon the section and all amendments thereto close in five minutes.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 92, noes 3.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 207, nays 8, answered "present" 2, and not voting 215, as follows:

YEAS—207.

Ackerman	Bowers	Campbell, Kans.	Dallinger
Almon	Bowling	Cannon	Davis, Tenn.
Anderson	Box	Chalmers	Denison
Andrews, Nebr.	Brennan	Chindblom	Dominick
Arentz	Briggs	Christopherson	Doughton
Aswell	Brooks, Ill.	Clague	Drewry
Bankhead	Browne, Wis.	Clouse	Dunn
Beedy	Buchanan	Collier	Dupré
Begg	Bulwinkle	Connally, Tex.	Dyer
Bell	Burdick	Cooper, Ohio	Edmonds
Benham	Burke	Cooper, Wis.	Elliott
Bird	Burtness	Crago	Ellis
Bixler	Burton	Crowther	Fairfield
Black	Byrns, Tenn.	Curry	Faust
Bland, Va.	Cable	Dale	Fisher
Foster	Kopp	Osborne	Sproul
Free	Lanham	Overstreet	Steagall
Freeman	Lankford	Padgett	Stephens
Fuller	Larsen, Ga.	Parker, N. Y.	Stevenson
Fulmer	Larson, Minn.	Parks, Ark.	Summers, Wash.
Funk	Lawrence	Patterson, Mo.	Swank
Gensman	Lazaro	Porter	Swing
Gernerd	Lea, Calif.	Pringey	Taylor, N. J.
Gorman	Leatherwood	Quin	Temple
Green, Iowa	Lee, N. Y.	Raker	Thomas
Greene, Mass.	Little	Ramseyer	Thompson
Greene, Vt.	Logan	Rankin	Tillman
Hadley	London	Rayburn	Timberlake
Hammer	Lowrey	Reavis	Tincher
Hardy, Colo.	Luce	Reece	Towner
Harrison	Luhring	Reed, N. Y.	Tucker
Hawley	McClintic	Reed, W. Va.	Tyson
Herrick	McSwain	Rhodes	Underhill
Hersey	MacGregor	Ricketts	Vinson
Hickey	McLaughlin, Mich.	Roach	Volstead
Hicks	Madden	Robertson	Walsh
Hoch	Magee	Robsion	Ward, N. C.
Hooker	Mapes	Rose	Weaver
Huddleston	Martin	Rossdale	Webster
Hukriede	Michener	Rucker	Wheeler
Hull	Miller	Sabath	White, Kans.
Husted	Millspaugh	Sanders, Tex.	White, Me.
James	Mondell	Sandlin	Williams, Tex.
Jeffers, Ala.	Moore, Va.	Schall	Williamson
Johnson, Miss.	Moores, Ind.	Scott, Tenn.	Wingo
Keller	Morgan	Shaw	Wise
Ketcham	Morin	Shelton	Woods, Va.
King	Mott	Sinclair	Woodyard
Kissel	Newton, Minn.	Smith, Idaho	Wurzbach
Kleczka	Norton	Smith, Mich.	Young
Kline, N. Y.	Ogden	Snell	The Speaker
Kline, Pa.	Oliver	Speaks	

NAYS—8.

Blanton	Cullen	Gilbert	Mead
Carew	Deal	Johnson, Ky.	Sisson

ANSWERED "PRESENT"—2.

Dowell	Hardy, Tex.

NOT VOTING—215.

Andrew, Mass.	Fish	Kunz	Riordan
Ansorge	Fitzgerald	Lampert	Rodenberg
Anthony	Focht	Langley	Rogers
Appleby	Fordney	Layton	Rosenbloom
Atkeson	Frear	Lee, Ga.	Rouse
Bacharach	French	Lehlbach	Ryan
Barbour	Frothingham	Lineberger	Sanders, Ind.
Barkley	Gahn	Linthicum	Sanders, N. Y.
Beck	Gallivan	Longworth	Scott, Mich.
Blakeney	Garner	Lyon	Sears
Bland, Ind.	Garrett, Tenn.	McArthur	Shreve
Boies	Garrett, Tex.	McCormick	Siegel
Bond	Glynn	McDuffie	Sinnott
Brand	Goldsborough	McFadden	Slemp
Britten	Goodykoontz	McKenzie	Smithwick
Brooks, Pa.	Gould	McLaughlin, Nebr.	Snyder
Brown, Tenn.	Graham, Ill.	McLaughlin, Pa.	Stafford
Burroughs	Graham, Pa.	McPherson.	Stedman
Butler	Griest	Maloney	Steenerson
Byrnes, S. C.	Griffin	Mann	Stiness
Campbell, Pa.	Haugen	Mansfield	Stoll
Cantrill	Hawes	Merritt	Strong, Kans.
Carter	Hayden	Michaelson	Strong, Pa.
Chandler, N. Y.	Hays	Mills	Sullivan
Chandler, Okla.	Henry	Montague	Sumners, Tex.
Clark, Fla.	Hill	Montoya	Sweet
Clarke, N. Y.	Himes	Moore, Ill.	Tague
Classon	Hogan	Moore, Ohio	Taylor, Ark.
Cockran	Hudspeth	Mudd	Taylor, Colo.
Codd	Humphreys	Murphy	Taylor, Tenn.
Cole, Iowa	Hutchinson	Nelson, A. P.	Ten Eyck
Cole, Ohio	Ireland	Nelson, J. M.	Tilson
Collins	Jacoway	Nelson, Me.	Tinkham
Colton	Jefferis, Nebr.	Newton, Mo.	Treadway
Connell	Johnson, S. Dak.	Nolan	Upshaw
Connolly, Pa.	Johnson, Wash.	O'Brien	Vaile
Copley	Jones, Pa.	O'Connor	Vare
Coughlin	Jones, Tex.	Oldfield	Vestal
Cramton	Kahn	Olpp	Voigt
Crisp	Kearns	Paige	Volk
Darrow	Kelley, Mich.	Park, Ga.	Walters
Davis, Minn.	Kelly, Pa.	Parker, N. J.	Ward, N. Y.
Dempsey	Kendall	Patterson, N. J.	Wason
Dickinson	Kennedy	Perkins	Watson
Drane	Kiess	Perlman	Williams, Ill.
Driver	Kincheloe	Petersen	Wilson
Dunbar	Kindred	Pou	Winslow
Echols	Kinkaid	Purnell	Wood, Ind.
Evans	Kirkpatrick	Radcliffe	Woodruff
Fairchild	Kitchin	Rainey, Ala.	Wright
Favrot	Knight	Rainey, Ill.	Wyant
Fenn	Knutson	Ransley	Yates
Fess	Kraus	Reber	Zihlman
Fields	Kreider	Riddick	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Andrew of Massachusetts with Mr. Wright.

Mr. Ansorge with Mr. Campbell of Pennsylvania.

Mr. Atkeson with Mr. Humphreys.

Mr. Bacharach with Mr. Garner.

Mr. Barbour with Mr. Lyon.

Mr. Beck with Mr. Park of Georgia.

Mr. Lineberger with Mr. Garrett of Texas.

Mr. Chandler of New York with Mr. Carter.
Mr. Kelley of Michigan with Mr. Montague.
Mr. Graham of Pennsylvania with Mr. O'Connor.
Mr. Bond with Mr. Crisp.
Mr. Connell with Mr. Hayden.
Mr. Butler with Mr. Oldfield.
Mr. Cole of Ohio with Mr. Linthicum.

The SPEAKER. The Chair will vote.

The Clerk called the name of the Speaker, and he answered "yea."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Mr. HUSTED. Mr. Speaker, I think the amendment offered by the gentleman from South Carolina [Mr. DOMINICK] a very reasonable one. It provides considerably more money than was expended by the reporter during the last fiscal year in which complete returns have been made, or than has been expended by him in the past, so far as the testimony before the Subcommittee on Appropriations developed the facts. This bill provides $4,500 for professional and clerical services and for stationery. At the present time the reporter employs one assistant. I think he pays him about $1,800 a year, but he does not get all of his time. He permits him to practice law. Under the present law he is compelled to rent an office. The bill provides an office for him in the Capitol, so that he will not be required to pay any rent. The bill also provides for furniture for the office, and that it shall be convenient to the United States Supreme Court. The reporter has from time to time employed some temporary assistants. I think in one year those expenses went up as high as $180, but if you allow this man $4,500 for expenses and deduct $250 for stationery, an ample allowance, he could take the $4,200 left and employ an expert who could do nearly all of the work which the Supreme Court reporter is called upon to do. Three thousand five hundred dollars is ample to cover the necessary and reasonable expenses of the office, provided the reporter himself does his proper share of the work. If you make provision for $4,500, even though the expenditure is to be approved by the United States Supreme Court, I think it only fair to assume that the court, which approved this amount to the Committee on the Judiciary, would approve the full expenditure of that amount if the items were brought in by the Supreme Court reporter.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. HUSTED. Certainly.

Mr. VOLSTEAD. Is it a fact under this language the Committee on Appropriations could limit the appropriations to $3,500 if it saw fit, and this simply is the maximum allowance, so if the Committee on Appropriations should find that $3,500 was sufficient it would not be necessary to appropriate any more, it seems to me.

Mr. HUSTED. Well, I do not know about that——

Mr. VOLSTEAD. Is it not true——

Mr. HUSTED (continuing). You have got a provision here for $7,500 for the salary of the Supreme Court reporter. Suppose the Committee on Appropriations only allowed $7,000. The man would have a claim against the Government for the $500 additional, and he would be sure to get it. The Supreme Court is a law unto itself, so far as the expenses of the court are concerned.

Mr. VOLSTEAD. This is clearly expenses to be approved——

The SPEAKER. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That this act shall not affect the existing duties of the reporter of the Supreme Court and the present publisher of its official reports in relation to reports of decisions rendered prior to the October, 1921, term, nor the contractual relations subsisting between the reporter and the publisher: *Provided*, That the existing price limitations governing sales to the public are hereby repealed, and the maximum price at which the Attorney General may purchase is hereby fixed at $3 per copy. The allowance made to the reporter by section 226 of the Judicial Code for clerk hire, office rent, stationery, and contingent expenses shall continue in force until superseded by appropriations for the allowances specified in that section as hereby amended, and thereupon the amounts that shall have been drawn from such existing allowances since October 1, 1921, shall be debited against such new appropriations.

The committee amendment was read, as follows:

Strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. That the provisions of this act shall be effective as of November 1, 1921: *Provided, however*, That there shall be deducted from the salary and allowances fixed by section 226, as amended hereby, such sums as may have been paid or allowed out of the Treasury to the reporter for work done by him in the preparation for printing and binding of reports of decisions rendered since the opening of the October, 1921, term of the Supreme Court.

"Such sums as may be necessary to carry into effect the provisions of sections 225, 226, 227, and 228 of the Judicial Code as amended by this act are hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated.

Mr. WALSH. Mr. Speaker, I offer an amendment, page 9, line 19, after the figures "226," insert the words "of the Judicial Code." This is an inadvertance in leaving those words out.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 19, after the figures "226," insert the words "of the Judicial Code."

The question was taken, and the amendment to the committee amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

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

On motion of Mr. WALSH, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Has the Committee on the Judiciary any further business?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Senate Concurrent Resolution 24.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government engineers on the improvement of the St. Lawrence River from Montreal to Lake Ontario," of which 3,000 copies shall be for the use of the Senate document room and 2,000 copies for the House document room.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate Concurrent Resolution 24.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,000 additional copies of Senate Document No. 179, Sixty-seventh Congress, entitled "Report of the United States and Canadian Government engineers on the improvement of the St. Lawrence from Montreal to Lake Ontario," of which 3,000 copies shall be for the use of the Senate document room and 2,000 for the House document room—

to the Committee on Printing.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2263. An act to amend the Federal reserve act approved December 23, 1913.

BRIBERY AND OTHER CORRUPT TRADE PRACTICES.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill H. R. 10159.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10159) to further protect interstate and foreign commerce against bribery and other corrupt trade practices.

Be it enacted, etc., That it shall be unlawful for any person, corporation, partnership, or other organization to give or offer to give to any employee, representative, or agent of another or to a member of his family or to anyone for his use or benefit, directly or indirectly, any commission, money, property, or other valuable thing as an inducement, a bribe, or reward for doing or omitting to do any act or for showing or forbearing to show any favor or disfavor by such employee or agent in relation to the affairs or business of his employer or principal, which affairs or business constitute or directly affect commerce among the States or with foreign nations or in the District of Columbia, or for any employee or agent to solicit, accept, receive, or take, directly or indirectly, any commission, money, property, or other valuable thing as an inducement, a bribe, or reward for doing or omitting to do any act or for showing any favor or disfavor in relation to the affairs or business of his employer or principal, which affairs or business constitute or directly affect commerce among the States or with foreign nations or in the District of Columbia: *Provided, however*, That the foregoing shall not apply to transactions between an employer or principal and his employee or agent.

SEC. 2. That it shall be unlawful for any person, corporation, partnership, or other organization to use or to give to an employee or agent of another, or for any employee or agent to use, approve, or certify, with intent to deceive the employer or principal, any receipt, account, invoice, or other document, in respect of which the employer or principal is interested, which contains any statement which is false, erroneous, or defective in any material particular or which omits to state fully the fact of any commission, money, property, or other valuable thing having been given or agreed to be given to such employee or agent, whenever such document directly relates to a transaction in interstate or foreign commerce or commerce in the District of Columbia.

SEC. 3. That evidence shall not be admissible in any proceeding or prosecution under this act to show that a gift or acceptance of any commission, money, property, or other valuable thing as is mentioned

in this act is customary in any business, trade, or calling, nor shall the customary nature of such transactions be any defense in any such proceeding or prosecution.

SEC. 4. That in any proceeding or prosecution under this act no person shall be excused from attending and testifying or from producing documentary evidence in obedience to the subpœna of the court on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in obedience to the subpœna: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 5. That any person guilty of an offense within the purview of this act who shall first report the facts, under oath, to any United States district attorney shall be granted full immunity from prosecution under this act with respect to the offense reported.

SEC. 6. That whoever violates any of the provisions of this act shall upon conviction be punished by a fine of not more than $3,000 or imprisonment for not more than two years, or by both. If a corporation, partnership, or other organization is guilty of a violation hereof, the person or persons through whom the corporation, partnership, or other organization acts shall also be deemed guilty and punished as aforesaid.

SEC. 7. That if any provision of this act shall, for any reason, be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act.

SEC. 8. That the acts prohibited by section 1 of this act are declared unfair methods of competition within the meaning of section 5 of an act approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

SEC. 9. That nothing herein contained shall be deemed to repeal or construed as a repeal of any existing law prohibiting bribery and other corrupt trade practices in interstate and foreign commerce, but that a prosecution under one statute pertaining to such offense shall be a bar to a prosecution for the same offense under another statute.

During the reading,

Mr. BLANTON. Mr. Speaker, I move to strike out the last word after that section.

The SPEAKER. This bill is in the House and the bill has to be first read.

The Clerk continued and concluded the reading of the bill.

Mr. VOLSTEAD. Mr. Speaker, a bill similar to this has been pending in this House for a number of years. When first introduced it was sent to the Interstate Commerce Committee. In the last Congress it was referred to the Judiciary Committee from the Interstate Commerce Committee. It was reintroduced in this Congress. A great many people have become interested in this legislation, as the evil it seeks to eliminate has become better known through various investigations. The Interstate Commerce Commission has been urging legislation along this line for quite a while, and in its report of 1920 it pointed out the evils that had grown up inside the transportation business and urged that something be done for the purpose of correcting them. The Federal Trade Commission has made a number of investigations and a number of suits have been brought in different States involving transactions of this kind. There are in quite a number of State statutes of this kind.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. JOHNSON of Mississippi. I do not understand how this affects interstate commerce, I confess.

Mr. VOLSTEAD. It affects both interstate and foreign commerce. It is impossible, it has been stated, to sell anything to ships without paying the captain a bribe, and the amount paid is no bagatelle—it runs from 2 to 5 per cent upon every item that is to be furnished to ships.

Mr. JOHNSON of Mississippi. Where the ship is located and the shipowner or captain, or whoever accepts the bribe, does not the State law affect him?

Mr. VOLSTEAD. In some cases there are no State laws, but in some States there are State laws that cover it.

Mr. JOHNSON of Mississippi. May I ask how many States have no laws of that kind?

Mr. VOLSTEAD. I can not tell the gentleman, because I have not examined definitely as to that, but there are quite a number of States that have laws of this kind.

Mr. BLANTON. To bring the question nearer home I may say in the State of Texas several merchants ship a carload of merchandise to themselves in Texas, and under the present custom before they can get their car placed for unloading they have got to pay the unloading crew from $10, $15, $20, $25, or $50 to get the car placed, and whoever pays the amount to the unloading crew first is the one who gets his car placed first. Does this bill meet that situation?

Mr. VOLSTEAD. Yes. The Pennsylvania Railway System has called attention to it, and has been trying to prevent this evil which has been prevalent in the distribution of their cars throughout the country.

Mr. NEWTON of Minnesota. I do not see how this can not be covered by State statutes. Are not we by the enactment of this legislation invading the States? Here is a case cited by the gentleman from Texas. To use that as an illustration, why can not that evil be corrected right in the State of Texas? Why is it necessary, because it involves an interstate transaction, to make a Federal law and prosecute it in the Federal courts?

Mr. VOLSTEAD. In many instances, I imagine, there is considerable difficulty in getting witnesses in State courts. The Interstate Commerce Commission has urged such a law very strongly and considers it a proper matter for Federal control. I can see very readily that the persons who move back and forth over our railroads may not be easy to secure as witnesses in a State trial. In the Federal court these witnesses can be had. Then this only relates to interstate and foreign commerce. The objection you suggest is just as pertinent as if you objected to the Sherman law, the Federal Trade Commission law, or other like laws. Congress can not afford to take the position that it will not regulate such commerce. It is the special duty of Congress, and not of the State, to protect interstate commerce.

Mr. NEWTON of Minnesota. In the case cited by the gentleman from Texas [Mr. BLANTON] there would not be any occasion for getting men outside of the jurisdiction of the court.

Mr. VOLSTEAD. It might not be necessary in that case.

Mr. NEWTON of Minnesota. Has the gentleman any information for the House as to the complaints by the States or State prosecutors of inability to prosecute because of inability to get witnesses that are outside of the jurisdiction of the State courts?

Mr. VOLSTEAD. I do not know that I have any specific complaints on that score, but I have any number of letters received from business houses all over this country, urging legislation along this line. The very nature of the evil is such that it can not be handled by the States. Business houses compelled to meet this method of competition in the various States where it prevails must pay bribes or go out of business. The evil must be stopped everywhere or it can not be stopped anywhere. Eventually the man who has to buy the goods that are handled in interstate commerce in this fashion must pay this additional charge, and it has gotten so that in many instances the bribe amounts to as much as 5 per cent of the price of the goods.

Mr. BLANTON. Will the gentleman yield right there?

Mr. VOLSTEAD. Yes.

Mr. BLANTON. The gentleman from Minnesota will take notice that at the city of East St. Louis, Ill., the other side of the river, is in another State, in Missouri, and you have to move cattle coming in from Texas and Oklahoma going to East St. Louis across the river. They are stopped across the river, in Missouri, where a crew assumes charge of them in Missouri to take them across. Suppose the gentleman had to pay that crew a certain amount to get his cattle across, or to pay a certain amount to get his car of merchandise placed so that he could unload it—say, in a city like Texarkana, where the main street is the State line between Texas and Arkansas—the gentleman can readily see it needs a Federal statute to reach the situation.

Mr. NEWTON of Minnesota. I will state this, with the permission of the gentleman from Minnesota [Mr. VOLSTEAD]: In Texarkana there are other crimes that are committed, where one witness may live in Texas, and the crime is committed in Arkansas. Now, they certainly get jurisdiction in some way of the witness in Texas, and they could do the same thing in the same way the gentleman has just indicated.

Mr. BLANTON. Under the statute, where felony is committed within a certain distance of the State line, it can be prosecuted in either State. Suppose it is a misdemeanor.

Mr. NEWTON of Minnesota. The gentleman has in mind the distinction between counties and not between States. I know of no statute which would permit States to have dual jurisdiction.

Mr. BLANTON. I meant counties, of course.

Mr. VOLSTEAD. There is dual jurisdiction on State lines along the Mississippi River and some other rivers. A State can go across the river to the other shore.

Mr. COOPER of Ohio. I would like to ask the gentleman from Minnesota if this bill would interfere with the employees on railroads receiving transportation?

Mr. VOLSTEAD. It has not a thing to do with such a case. It has got to be a bribe given by some third person to an employee to influence his action in performing his duty toward his employer. The thing the gentleman speaks of does not come within the scope of this bill.

Mr. COOPER of Ohio. I do not want the gentleman from Texas [Mr. BLANTON] to leave the impression with this House that all the railroad employees in this country ask for a bribe before they will do the work that is assigned to them. Of course, it is true in certain instances that railroad men have

accepted money where there were cars on sidings to be unloaded; but, as a rule, it is not the railroad man that solicits the money. It is the agent for the goods in the car that comes to the railroad employee and says, "If you will do this work for me in a certain length of time I will make it all right." The majority of the railroad employees of this country are honest and law-abiding citizens. I do not like to see the gentleman from Texas leave the impression that they are all grafters and holding out for money.

Mr. BLANTON. The gentleman did not mean to put out any such inference, but they do accept these fees for placing cars. The gentleman will not deny that.

Mr. COOPER of Ohio. As I say, the railroad men do receive little tips for doing this, but it is not because they solicit them, but because somebody comes to them and offers them a certain amount of money for doing the work.

Mr. VOLSTEAD. Let me give you some instances of this practice, as they appear in official reports and court proceedings.

The report of the Select Committee on United States Shipping Board Operations on March 2, 1921, called attention to many instances of overcharges, defective work, and improper material in connection with the repairs to ships, particularly in the New York district, especially with reference to the payment of gratuities or bonuses by repair yards to officers of the various ships. The report states that this custom has been common in marine circles for many years, and there is no question but that it is a vicious practice.

A shipbuilder and owner of a dry dock testified on January 15, 1920, before the House Committee on the Merchant Marine and Fisheries concerning the cost of marine bribery, and stated that there were two concerns at least that would create additional dry dock and repair facilities in one of the principal ports of the east coast if it were not for the fact that it is known that there would be no use unless you wanted to perjure your soul to get into the business.

A former special agent of the Department of Investigation of the Shipping Board testified before the Select Committee on Shipping Board Operations that one man had admitted to him and to the chief traveling auditor that he had overcharged about 60 per cent on $400,000 by reason of the alleged necessity of giving gratuities in the shape of automobiles, whisky, entertainments, and so forth, to captains and stewards. He also referred to another case where $11,000 was carried on the books of a certain firm as gratuities, and stated that he had taken the confessions of stewards who were paid 10 per cent on bills; that the story is so common that the files at 45 Broadway are filled with them; and that they had at that time about 2,000 cases open.

A witness in a proceeding before the Federal Trade Commission testified under oath that the books of the respondent dry dock and shipbuilding company showed, under the heading "Gratuity," expenditures during the years 1917, 1918, 1919, and three months of 1920, in the amounts of $19,229.39, $31,067.97, $29,985.50, and $19,066.31.

A representative of a packing house supplying the marine trade testified under oath that he had given gratuities to captains and stewards; that if he had not given them he would have been out of business; that if he had given them and his competitors had not, they would have been out of business; that they were charged up as merchandise; that the consumer has to pay; that captains and stewards had in some cases solicited short weights under these circumstances.

The representative of another packing house admitted under oath that gratuities amounting to 5 per cent had been given to captains.

A representative of a dry dock and shipbuilding concern admitted under oath that they had paid $8,800 in a year and three months for gratuities, so called. Referring to the practice of ship chandlers giving short weights, he said: "We scrap about that here in Mobile all the time."

A sailmaker admitted under oath that his firm had paid $4,500 in 20 months, and if it had not been necessary to give gratuities to the captains he could have and would have been inclined to make the prices 5 per cent lower. He stated, in substance, that the man who pays the bills ultimately pays the gratuity.

A market man supplying the marine trade admitted under oath that he had given to the captains of schooners and steamers approximately 5 per cent; said that if he had not given the gratuities he would not have supplied the vessels on the next trip; that he could have sold cheaper if he had not given gratuities; that he no longer gives them and figures at a less price.

A ship chandler admitted that he had paid gratuities, charged them up in different ways, considered them overhead, and stated that the captains seldom questioned the prices closely. Also stated that stewards had suggested that short weights or measures be given for the purpose of covering gratuities, but that he had not yielded.

Another ship chandler stated under oath that when you do not give gratuities and your competitor does, the latter gets the business; that it is a universal custom; that the cost falls on the purchaser; that if gratuities were not given it would be possible to reduce the prices; and that gratuities add to the cost of transporting the cargoes.

A marine supply man stated on oath that his firm had tried to eliminate the gratuity business, but that the captains went away and gave their business to competitors; that they had paid the captains from 1 to 5 per cent; that he never saw gratuities paid to such an extent until he came to this country; and that the Government should make it a criminal offense for the captain to receive gratuities.

The bookkeeper and stenographer for the same firm testified on oath that she had paid the captains in a private room used by no one else.

Another representative of this firm admitted under oath that a bill will run anywhere from $50 to $7,000; that they usually give the captain $100 or $200 and charge it to trade discount; that the custom is so old that the captains expect it without demanding it.

A ship chandler admitted under oath that they gave commissions to the captains, the amount depending upon what they made on the transaction; that these commissions have been running from 2½ to 4½ per cent; that 5 per cent is the limit; and when asked how recently he had given a captain a commission, admitted that he had given 3½ per cent, he believed, the day before yesterday.

During the trial of a meat dealer of the District of Columbia, charged with conspiracy to defraud the United States, a corporal of the United States Army, stationed at Fort Monroe, also under indictment, testified that he received from the dealer 3 per cent commission on purchases of about $3,000 worth of meat.

A private, butcher at the post exchange, in charge of the buying in the meat department, admitted that he had been paid $200 by the dealer (seven $20 bills, one $10 bill, and one $50 bill) after he had given an order for about $3,300 worth of goods; that he had noticed that the prices of this dealer were higher than those of competitors; that he had complained of the high prices, and pointed out that 10 ribs of beef were furnished as prime instead of 7, and that the loins of beef had flanks on when they should have been trimmed. Bologna was priced at 28 cents per pound when Swift and Armour were selling it at 18 cents. After the payment of the bribe competition was entirely excluded and purchases from that firm were increased. During the month of November they increased several thousand dollars, $8,000 or $10,000.

The party paying the bribes was sentenced to the Atlanta Penitentiary for 18 months and fined $5,000, but this judgment was reversed by the Circuit Court of Appeals for the Fourth Circuit, the post exchange not being such an institution as that fraud upon the United States could arise from the transactions complained of.

SOAP.

A decree of the Chancery Court of Bradley County, Tenn., finds that the defendant, while in the employ of the complainant, a woolen mill, received from various persons, firms, and corporations, from whom he purchased material, bribes, rebates, and secret profits amounting in the aggregate to $16,570; that as a result of a corrupt agreement to receive commissions on soap bought for the complainant, an inferior grade of soap was supplied, and that the damages sustained by the mill amounted to $53,856.65.

In another civil suit brought by the same mill a witness testified that the customary commission was a cent a pound; that the lowest commission, when any was paid, was one-half cent per pound, and that the highest was 1½ cents per pound. He also testified that it was customary to put one good barrel of soap in every lot shipped, to be kept set aside by the overseer for analyses and inspection. In that barrel a nail would be put through the plug, or a different batch number would be put on the head, and the finisher advised accordingly.

Witnesses in another proceeding against a firm selling textile soaps and degreasing materials testified under oath that dyers and finishers were paid from $10 to $12 per barrel; one of the witnesses testified that in some instances the finisher would spoil goods in order to assist in placing the respondent's goods in the mills. The money was usually paid to the men in cash—handed to them personally. One of the witnesses refused to answer for the sole reason that the answer might tend to incriminate him.

DYESTUFFS AND SIZING MATERIALS.

In another case a witness admitted that his company had paid secret commissions to employees of customers purchasing dyes and sizing materials; that they had been paid with the knowledge, consent, and approval of respondent's officers; that other companies gave like commissions; that the money was accounted for as "salary" and charged to the officers; that in one year they had paid between $30,000 and $40,000, or from 8 to 10 per cent of their total sales; that these gratuities were taken into consideration in making up the cost of the goods; that they naturally tended to increase the selling price; and that they undoubtedly would have sold these goods for less money if gratuities had not been given. These gratuities had been paid in North Carolina, South Carolina, Rhode Island, Connecticut, New Hampshire, Massachusetts, New York, and New Jersey.

The Alien Property Custodian in 1918 stated in his annual report that bribery of dyers had been carried on almost universally and on a large scale; that the dyers frequently controlled the situation; that nothing was easier than to control the complicated process of dyeing in such a way that the dyes furnished by the house which was the least liberal to the dyer would produce wretched results.

So extensive was this corruption that I came across only one American consumer who had escaped its ill effects.

* * * Honest domestic competition found the utmost difficulty in maintaining itself, and it is therefore not strange that until the outbreak of the war the American industry was of little importance.

The United States Tariff Commission in 1918 stated that it is notorious in the dye and textile trades that the agents of German manufacturers habitually resorted to bribery in the form of money payments or "gifts" to purchasing agents, and more especially to dyers, who frequently were in a position to dictate the dyes that their employers should use. Most managers of textile mills and converters preferred to ignore the practice rather than to expose themselves to the irritations and the spoiling of goods that dishonest dyers could bring about with impunity.

Affidavits submitted to the Committee on Ways and Means in 1919 state that the practice of bribing dyers was followed by all German companies but one selling in this country; that the company referred to in the affidavit either increased the purchase price of the merchandise by the amount of the commission paid or delivered goods of inferior quality to the customer, the grade of inferiority of the goods depending upon the amount of the commissions paid; so that in all cases the commission was indirectly paid by the employer of the dyer.

One of the deponents stated that the amount of the bribes was agreed upon by the salesman and the dyer, and varied from 5 cents to 25 cents per pound.

A witness before the same committee referred to this as—

the most extraordinary system of commercial corruption that I think the world has ever seen. There was hardly a textile mill whose dyers were not corrupted. I say this advisedly.

In another proceeding against a dyehouse a former officer testified under oath concerning disbursements to dyers, stating that for a time such payments were charged on the books to a concern that did not exist; that subsequently they were charged to another account equally misleading, and that to this account was charged during the years 1914 to 1916 and part of 1917 the sums of $110,010.18, $115,188.48, $172,524.38, and $100,777.60, respectively.

The witness mentions certain additional items during two succeeding months, namely, $1,500, $300, $2,600, $4,225, $150, $500, $250, $6,000, $2,500, $2,500, $500, $6,000, and $3,500.

The witness stated that the above yearly figures were drawn from the books when they were under examination in the State court and that they had also been drawn and verified by Government accountants.

GLUE.

In a proceeding before the Federal Trade Commission against a glue manufacturer the facts, as stipulated by counsel, show that a salesman formerly employed by respondent reported to the company that he could secure the glue business of a certain manufacturer using as much as 300,000 pounds of glue per annum, or more than $100,000 worth, for the payment of a "commisssion" of 5 per cent; that this arrangement was agreed to and later increased to 5 cents per pound instead of 5 per cent; that immediately following this arrangement the glue then being used by that prospective customer was reported bad by the employee deciding such matters, who also suggested that glue be purchased from the respondent. Thereafter for some time glue was purchased from the respondent to the total exclusion of the competitor who had furnished glue for a number of years. The amounts paid on account of such so-called commissions covering such sales from February 1, 1919, to January 1, 1921, to about the sum of $34,000, no part of which was ever received by or reached the treasury of the purchasing company. The injured competitor was not permitted to make tests or demonstrations of his glue, although his request so to do was reenforced by the request of the purchasing department, but subsequently when trouble was reported with respondent's glue they were afforded every opportunity to make tests and rectify the trouble, such tests and experiments running over a period of weeks.

Subsequently the respondent reduced the price of its glue sold on this account in the amount of 5 cents per pound, and such reduction was not made on account of the quality or market price.

SHELLAC SUBSTITUTE.

In a similar proceeding against a manufacturer of shellac substitute, respondent's counsel, after the taking of considerable testimony, admitted that salesmen and other representatives of the respondent company have secretly given and offered to give cash commissions and other gratuities to foremen, finishers, and other employees of its customers and prospective customers, with the knowledge and consent, express or implied, of the managing officers and directors of the respondent company as an inducement to said employees to influence their employers to purchase and use respondent's products; that it further admits that the giving of such gratuities by respondent tends to and does compel competitors of the respondent to adopt such methods of competition or suffer the loss of business; and that such expenditures necessarily become a part of the distribution expense of the company and are added to the cost of such products to the purchasing public.

Some 55 complaints were filed against concerns engaged in the manufacture and sale of paint, oil, varnish, and kindred products. The widespread interest aroused by the commission's activities in this field caused the paint and varnish manufacturers to organize a bureau to take care of such matters. This bureau, according to the commission, has more than justified its existence by its work in eliminating commercial bribery.

Likewise, a group of progressive concerns in marine circles organized the American Ship Service Corporation to engage in similar work in eliminating bribery.

The American Bar Association on September 4, 1919, adopted a recommendation of the committee on commerce, trade, and commercial law indorsing three bills which proposed to suppress commercial bribery. The committee did not indicate any preference as to these bills, but recommended the passage of one of them.

PRINTING INK.

In November, 1917, 68 manufacturers agreed not to pay secret commissions or bribes, and urged the passage of Federal criminal legislation prohibiting the giving, offering, receiving, and soliciting of bribes, commissions, gratuities, and so forth, for the purpose of corruptly influencing the conduct of any agent or employee in relation to his principal's or employer's business. The parties to this agreement represented about 90 per cent of the manufacturers of printing ink. The National Association of Printing Ink Makers is endeavoring to rid the industry of the bribery evil.

The records available show that bribery has been resorted to in influencing the sale of printers' rollers, lifeboats, rafts, engines, rope, machinery, boiler compounds, oils, greases, chemicals, and other products.

Here is an evil that has gradually grown up until it has become a very serious matter. Throughout the country more or less of an effort has been made to suppress it. The same is true with respect to Europe. They have a law similar to this bill in England, in Australia, New Zealand, and in practically all of the various English Provinces.

Mr. JOHNSON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. JOHNSON of Mississippi. Under the gentleman's bill a negro porter on a Pullman car traveling from one State to another who would accept a 25-cent or 50-cent tip could be punished under this bill?

Mr. VOLSTEAD. No; certainly not. There is no provision in this bill covering such a case. The payment must be done to influence the employee to do something to the injury of his employer.

Mr. JOHNSON of Mississippi. If he should change a man's sleeping quarters from the upper to the lower berth, and show him any favoritism whatever, he could be punished under this bill?

Mr. VOLSTEAD. There is no reason for any such contention.

Mr. JOHNSON of Mississippi. Oh, yes; there is. I have had it done myself.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. ACKERMAN. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. ACKERMAN. Would this prevent a manufacturer or employer at Christmas time giving boxes of cigars to his employees with his compliments in recognition of faithful services?

Mr. VOLSTEAD. No; not at all.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WINGO. Suppose I have a baggageman go up to the baggage room in the station and get my bag for me. Would I violate the law?

Mr. VOLSTEAD. No. That would be payment for a service actually rendered.

Mr. WINGO. He would be doing me a favor?

Mr. VOLSTEAD. Yes. He would be rendering an actual service to you, too.

Mr. WINGO. And if a car were placed on a sidetrack, that would be a service to me. He would not be required to do it as a matter of routine until the afternoon, let us say, and I get him to take it out of its order in the morning and switch it in for me.

Mr. VOLSTEAD. The idea is that he has to deal fairly with the public. The obtaining of a favor at the expense of his employer is one of the things we are trying to prevent. If otherwise the employer grants a favor, this bill will not prevent payment.

Mr. WINGO. You have a law now against discriminations against shippers on the railroads, have you not?

Mr. VOLSTEAD. The Interstate Commerce Commissioners call attention to that and say that that is not sufficient to relieve the situation.

Mr. WINGO. You say the States refuse to punish?

Mr. VOLSTEAD. Some of the States do not have laws on the subject at all, while there are a number of States that do have.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. STEVENSON. Is it proposed to deal with this just as it was proposed to deal with the question of rebates by transportation companies? In other words, do you suppose this will be protected under the decisions sustaining penalties imposed on railroads and other public carriers for granting rebates in freight rates and things of that kind?

Mr. VOLSTEAD. Of course, that law is not strictly apropos, but this class of statutes have been held valid in a number of States.

Mr. STEVENSON. What I was trying to get at is, under what authority Congress is dealing with this. I take it that inasmuch as this is in interstate commerce, this is practically a gratuity, which is the same thing as a rebate in transportation.

Mr. VOLSTEAD. Of course, this deals only with interstate and foreign commerce. It does not deal with anything else.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. HOCH. I understand the language used here, in line 11, is, "any act" used "in relation to the affairs or business of his employer," and so forth. Does the gentleman think that Congress has the power to enact a law concerning something that simply bears a relation to a business interest of that character? It does not say that the act has a bearing or effect on interstate commerce. You provide here a control on the part of Congress "in relation" to the affairs and business when the affairs and business are interstate commerce.

Mr. VOLSTEAD. If you read the rest of that sentence you will see that it is "in relation to the affairs or business of his employer or principal, which affair or business constitutes or directly affects commerce among the States."

Mr. HOCH. Yes; the business itself may constitute commerce.

Mr. VOLSTEAD. Yes; and the affair or business must directly affect interstate commerce.

Mr. HOCH. The language you use is "in relation" to that business. I can conceive of an act that may have a relation to that business which——

Mr. VOLSTEAD. It must be an act which directly affects interstate commerce.

Mr. HOCH. Is it not possible that a business might be an interstate business and yet some act merely in relation to that business would not constitute any effect on interstate commerce?

Mr. VOLSTEAD. I would like to know where the gentleman finds his language.

Mr. HOCH. On line 11, page 1. I am trying to get information. Perhaps I did not get the language correctly.

Mr. VOLSTEAD. Read the language. Here it is:

> In relation to the affairs or business of his employer or principal, which affairs or business constitute or directly affect commerce.

Mr. HOCH. That is what I am trying to get at. There is no question but that the business affects interstate commerce, but you are penalizing any business that relates to that business. Offhand, it seems to me that is going much further than any control I know of in these other acts in relation to interstate commerce.

You do not provide that you penalize an act that relates to interstate commerce, but any act in relation to a business that has to do with interstate commerce.

Mr. VOLSTEAD. I have no doubt that if the gentleman will read the language of the bill he will come to a different conclusion. As I have said, legislation of this kind has been urged by the Interstate Commerce Commission, the Shipping Board, the Federal Trade Commission, the Department of Commerce, and by a very large number of business houses in the different sections of this country.

A State can not deal successfully with this evil. The merchant selling goods in different States, as most wholesalers do, must, to meet this kind of competition, pay bribes or go out of business. In selling his goods he necessarily quotes the same price in all the different States where he distributes. If some of these States permit this practice, it becomes necessary for him to increase the price of his goods not only in the States permitting such bribery but to all his customers.

Farmers selling grain in the Middle West, no matter what the laws of their States may be, must help to pay these bribes as a part of the cost of sending their products to market, and they must submit to a like exaction on what they purchase.

This bill is not local but national in purpose. There is just as much reason for enacting a national law to stop this evil as there was for prohibiting trusts and monopolies. This bill only deals with the interstate and foreign commerce—a subject that it is the duty of Congress, and not the States, to protect.

The National Government is the only one that has the machinery to enforce such a law—the Interstate Commerce Commission, the Federal Trade Commission, and the force in the Department of Justice charged with making the antitrust laws effective. The States have no corresponding machinery that can effectively reach this evil.

Mr. LONDON. The intention of the bill, as I understand it, is to punish an employee who for a consideration does an act injurious to the interests of his employer. Is not that the object of the bill?

Mr. VOLSTEAD. Yes; injurious to his employer.

Mr. LONDON. If that is so, the language employed in line 10, on page 1, is too broad. The language in lines 9 and 10 reads:

> For doing or omitting to do any act or for showing or forbearing to show any favor or disfavor by such employee.

There is a world of difference between doing a favor or a disfavor and doing something that is injurious to the interests of the employer; and, it being a criminal statute, the language should be strict and specific and should not permit of more than one interpretation.

Mr. VOLSTEAD. If the gentleman cares to offer an amendment when we come to that feature of it, we will consider it later on.

Mr. LONDON. And in section 2 I find the same elastic language employed. There the language is—

> Any receipt, account, invoice, or other document, in respect of which the employer or principal is interested, which contains any statement which is false, erroneous, or defective.

The submission of an erroneous or defective statement is made a crime. The language is altogether too broad for a criminal statute.

Mr. VOLSTEAD. It must be with intent to deceive the employer or principal. If it is done for that purpose, I can see no reason why this is too indefinite.

Mr. SANDLIN. Mr. Speaker, I make the point of no quorum present. I think on an important matter like this we should have a full House.

The SPEAKER. The gentleman from Louisiana makes the point that there is no quorum present. The Chair will count. [After counting.] There is no quorum present.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Saturday, May 27, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

617. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of the coast of Texas in the vicinity of Aransas Pass, Port Aransas, Rockport, and Corpus Christi (H. Doc. No. 321); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

618. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Monongahela River, Pa. and W. Va.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEHLBACH: Committee on Reform in the Civil Service. H. R. 11428. A bill to fix the salaries of the Civil Service Commissioners and of certain employees of the Civil Service Commission; without amendment (Rept. No. 1032). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11128. A bill to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vegas, Mexico; without amendment (Rept. No. 1033). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11646. A bill authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio; without amendment (Rept. No. 1034). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROSE: Committee on Claims. H. R. 11571. A bill for the relief of the Clyde Steamship Co., of New York, N. Y.; without amendment (Rept. No. 1035). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 2702. A bill for the relief of J. W. Glidden and E. F. Hobbs; without amendment (H. Rept. 1036). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 11798) to enlarge, extend, and remodel the post-office building at Rochester, Minn., or to authorize the purchase of a site and the erection and completion of a building thereon, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11799) to enlarge, extend, and remodel the post-office building at Albert Lea, Minn., or to authorize the purchase of a site and the erection and completion of a building thereon, in the discretion of the Secretary of the Treasury; to the Committee on Public Buildings and Grounds.

By Mr. YOUNG: A bill (H. R. 11800) increasing the limit of cost for a Federal building at Jamestown, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 11801) to amend section 210 of the war risk insurance act as amended by the act of August 9, 1921, as is now applicable to allotments paid to beneficiaries designated under the Army allotment system by any person who served in the Army; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: A bill (H. R. 11802) to authorize the addition of certain lands to the Oregon National Forest; to the Committee on the Public Lands.

By Mr. MORIN (by request): A bill (H. R. 11803) to provide for the manufacture of explosive compounds for the use of the Army and Navy; to provide for the manufacture of fertilizer for agricultural purposes; to conserve water for power, stream control, and navigation; to incorporate the Federal Chemical Corporation; and for other purposes; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 336) to authorize and regulate details in the executive or administrative service of the Government; to the Committee on the Judiciary.

By Mr. ANSORGE. Joint resolution (H. J. Res. 337) granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922; to the Committee on the Judiciary.

By Mr. SABATH: Joint resolution (H. J. Res. 338) to return money or other property now in the hands of the Alien Property Custodian or in the Treasury of the United States to the owner or owners, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 354) requesting the Secretary of State to make immediate inquiry of the French Government regarding Hon. Charles R. Crane, of Chicago, Ill.; to the Committee on Foreign Affairs.

By Mr. OGDEN: Memorial of the Legislature of the State of Kentucky, urging relief for those who lost in the operation of their business during the year 1920 regarding tax exemptions, the same as those who lost in 1919 or 1921; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BACHARACH: A bill (H. R. 11804) for the relief of Robert Turner; to the Committee on Claims.

By Mr. BROWN of Tennessee: A bill (H. R. 11805) granting a pension to Robert King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11806) granting a pension to George W. Hacker; to the Committee on Invalid Pensions.

By Mr. CLOUSE: A bill (H. R. 11807) granting a pension to John Poor; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 11808) for the relief of Mrs. D. H. Jeffris; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 11809) granting a pension to Lilly Murphy; to the Committee on Pensions.

By Mr. GERNERD: A bill (H. R. 11810) granting an increase of pension to A. Laurie Nicholson; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11811) granting a pension to Flem Blair; to the Committee on Pensions.

By Mr. LONDON: A bill (H. R. 11812) for the relief of Flora Yost Klinowski; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 11813) granting an increase of pension to Rachel H. Kendall; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 11814) for the relief of Caroline Kuhlman and others who have suffered losses on account of their lands being destroyed and washed away by the Missouri River at a point adjacent to Little Missouri Bend, Missouri River, State of Missouri; to the Committee on Claims.

By Mr. SWING: A bill (H. R. 11815) for the relief of James W. Sweetman, C. A. A. McGee, H. R. Fay, and E. E. Hendee; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11816) granting a pension to Hiley Galbraith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11817) granting a pension to James O. Craig; to the Committee on Pensions.

Also, a bill (H. R. 11818) granting an increase of pension to Barbara E. Rhea; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 11819) granting a pension to Catharine M. Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11820) granting a pension to Annie M. France; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11821) granting a pension to Dolly P. Beckner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

5788. By the SPEAKER (by request): Resolution adopted by the Cleveland Grays, indorsing the Bursum bill, S. 1565, and urging its passage; to the Committee on Military Affairs.

5789. By Mr. FAIRFIELD: Petition of citizens of Kendallville, Ind., protesting against the passage of House bill 9753, House bill 4388, or Senate bill 1948; to the Committee on the District of Columbia.

5790. By Mr. FULLER: Petition of the Haddorff Piano Co., of Rockford, Ill., favoring the McNary-Smith bill, H. R. 10164, for the reclamation of arid lands; to the Committee on Irrigation of Arid Lands.

5791. Also, petition of Emerson-Brantingham Co., of Rockford, Ill., favoring the McNary-Smith reclamation bill; to the Committee on Irrigation of Arid Lands.

5792. Also, petition of the Goding Shoe Co., of Chicago, and the Jos. Saenger Mercantile Co., of Belleville, Ill., protesting against a tariff on hides; to the Committee on Ways and Means.

5793. Also, petition of the Free Sewing Machine Co., of Rockford, Ill., favoring a tariff on sewing machines; to the Committee on Ways and Means.

5794. Also, petition of the American Nickeloid Co., of Peru, Ill., favoring a tariff on plated or coated tin plate; to the Committee on Ways and Means.

5795. Also, petition of the Peoria Farm Bureau, the Tazewell County Farm Bureau, the Association of Commerce of Pekin, Ill., and the American Distilling Co., for a tariff duty on blackstrap molasses; to the Committee on Ways and Means.

5796. Also, petition of I. I. Hanna, of Ottawa, Ill., opposing a high tariff on potash salts; to the Committee on Ways and Means.

5797. Also, petition of the Godfrey-Brewer Investment Co., of Rockford, Ill., favoring the Green resolution, to prohibit the issue of tax-exempt securities; to the Committee on Ways and Means.

5798. Also, resolutions of the Texas Chamber of Commerce, favoring a constitutional amendment to prohibit any further issue of tax-exempt securities, and favoring the repeal of section 28 of the shipping act; to the Committee on Ways and Means.

5799. Also, resolutions of the Hamilton Club, of Chicago, favoring a Navy personnel of 80,000 enlisted men and 6,000 apprentices under training; to the Committee on Appropriations.

5800. Also, resolutions of the Women's International League for Peace and Freedom, favoring the abolition of war, and suggesting various measures to that end; to the Committee on Military Affairs.

5801. Also, petition of Frank Jaycox, commander of the Colonel Thomas G. Lawler Post, No. 342, Veterans of Foreign Wars, favoring bill to place on the retired list disabled emergency officers of the Army who served in the late World War; to the Committee on Military Affairs.

5802. Also, petition of the Third National Bank of Rockford, Ill., favoring bill for perpetual charters for national banks; to the Committee on Banking and Currency.

5803. Also, petition of the International Association of Fire Fighters, favoring the modification of the prohibition enforcement law; to the Committee on the Judiciary.

5804. Also, petition of the National Dairy Union, favoring H. R. 8086, relating to the manufacture and sale of filled milk or the transportation thereof in interstate commerce; to the Committee on Agriculture.

5805. Also, resolutions of the Hamilton Club, of Chicago, favoring a provision in the Budget that will render Great Lakes Naval Training Station as useful in the future as it has been in the past; to the Committee on Appropriations.

5806. By Mr. GALLIVAN: Petition of Rosina W. Sheldon, chairman legislative committee, American Legion Auxiliary, Department of Massachusetts, Salem, Mass., urging passage of the Bursum bill; to the Committee on Military Affairs.

5807. By Mr. KELLY of Pennsylvania: Resolutions adopted by the Pennsylvania State Chamber of Commerce, favoring taxation of exempt securities; to the Committee on Ways and Means.

5808. By Mr. KISSEL: Petition of the Brooklyn College of Pharmacy, Brooklyn, N. Y., relative to the tariff duty on glassware and chemical apparatus; to the Committee on Ways and Means.

5809. Also, petition of Baugh & Son Co., Baltimore, Md., opposing the proposed tariff bill; to the Committee on Ways and Means.

5810. By Mr. LARSON of Minnesota: Petition of the Presbytery of Duluth, Duluth, Minn., indorsing House bill 9753, regarding Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5811. By Mr. LEA of California: Petition of 70 citizens of Oakland, Calif., protesting against the passage of pending Sunday legislation bills; to the Committee on the District of Columbia.

5812. By Mr. LINTHICUM: Resolution of the Baltimore Federation of Labor, urging support of House bill 10646; to the Committee on Interstate and Foreign Commerce.

5813. Also, petition of Farmers & Planters' Co., Salisbury, Md., opposing tax on potash; to the Committee on Ways and Means.

5814. Also, petition of the Baltimore Live Stock Exchange and the Union Stock Yard Co., Baltimore, Md., protesting against Senate bill 3298, to allow State supervision over weighing at public stockyards; to the Committee on Agriculture.

5815. Also, petition of George W. Hardy, president Maryland State Game and Fish Protection Association, Baltimore, Md., favoring passage of House bill 5823 without amendment; to the Committee on Agriculture.

5816. By Mr. RAKER: Petitions of Eddie Schmidt, Popkin & Nestor, Chas. Levy & Son, and Edwin Hartley, all of Los Angeles, Calif., protesting against paragraph 1116, H. R. 7456, and the Carded Woolen Manufacturers' Association, of Boston, Mass., relative to reform in the framing of wool schedules; to the Committee on Ways and Means.

5817. Also, petition of Mrs. W. B. Hamilton, acting chairman of the Vigilant Committee, of San Francisco, Calif., urging an appropriation for the carrying on of the work of the Interdepartmental Social Hygiene Board; to the Committee on Appropriations.

5818. Also, petition of the National Milk Producers' Federation, of Washington, D. C., indorsing H. R. 8086, the Voigt bill, to prohibit the movement in interstate and foreign commerce of so-called filled milk; to the Committee on Agriculture.

5819. By Mr. ROSSDALE: Resolution adopted by the Bronx Board of Trade, of New York City, recommending that the Stanley bill should not be approved; to the Committee on Patents.

5820. By Mr. WILLIAMSON: Petition of W. W. Thompson and many other residents of Hot Springs, S. Dak., urging the passage of the Bursum and Morgan bills; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *May 27, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Borah	Harreld	McLean	Rawson
Brandegee	Harris	McNary	Robinson
Broussard	Harrison	Moses	Sheppard
Bursum	Heflin	Myers	Shortridge
Calder	Hitchcock	Nelson	Simmons
Capper	Johnson	New	Smoot
Caraway	Jones, N. Mex.	Newberry	Spencer
Cummins	Jones, Wash.	Nicholson	Sterling
Curtis	Kellogg	Norbeck	Sutherland
Dial	Kendrick	Norris	Townsend
Dillingham	Ladd	Oddie	Underwood
Elkins	La Follette	Overman	Wadsworth
Ernst	Lenroot	Page	Walsh, Mont.
Fletcher	Lodge	Pepper	Warren
France	McCormick	Phipps	Watson, Ga.
Gooding	McCumber	Poindexter	
Hale	McKinley	Ransdell	

Mr. MOSES. I wish to announce the absence of my colleague [Mr. KEYES] on account of illness. I ask that this announcement may stand for all roll calls during the day.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 11450) to provide for the printing and distribution of the Supreme Court Reports, and amending sections 225, 226, 227, and 228 of the Judicial Code, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 745) to amend section 24 and section 256 of the Judicial Code.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2263) to amend the Federal Reserve Act approved December 23, 1913, and it was thereupon signed by the President pro tempore.

REPORTS OF COMMITTEES.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (H. R. 9048) to authorize the California Débris Commission to reimburse the city of Sacramento, Calif.,