5939. By Mr. YOUNG: Petition of North Dakota State Federation of Labor protesting against raising money for the soldiers' bonus by a sales tax and advocating that the money be raised from war and excess-profit taxes; to the Committee on Ways and Means.

5940. Also, resolution of Devils Lake Kiwanis Club protesting against the repeal of section 416 of the transportation act; to the Committee on Interstate and Foreign Commerce.

5941. Also, resolution of the Devils Lake Business and Professional Women's Club protesting against the repeal of section 416 of the transportation act; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *June 8, 1922.*

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

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

Mr. McCUMBER. 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	Newberry	Spencer
Ball	Harris	Nicholson	Sutherland
Borah	Harrison	Oddie	Swanson
Brandegee	Heflin	Overman	Townsend
Calder	Jones, Wash.	Page	Underwood
Capper	Kendrick	Pepper	Wadsworth
Caraway	Ladd	Phipps	Walsh, Mass.
Culberson	La Follette	Poindexter	Watson, Ga.
Curtis	Lenroot	Ransdell	Watson, Ind.
Dial	McCormick	Rawson	Williams
Dillingham	McCumber	Robinson	Willis
Fernald	McNary	Sheppard	
Glass	Myers	Simmons	
Gooding	Nelson	Smoot	

Mr. KENDRICK. I wish to announce the absence of the Senator from Nebraska [Mr. NORRIS] and the Senator from New Hampshire [Mr. KEYES], who are engaged in a hearing before the Committee on Agriculture and Forestry.

Mr. UNDERWOOD. I desire to state that the senior Senator from Florida [Mr. FLETCHER] is detained from the Senate by illness. I desire that this statement shall stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to their names. A quorum is present.

STATEMENT BY SENATOR MYERS.

Mr. OVERMAN. Mr. President, our much-esteemed colleague, the senior Senator from Montana [Mr. MYERS], has declined to be a candidate for reelection, which we all regret. He has issued a statement to the people of Montana which is a matter of interest to Senators and to people generally. I ask that the statement may be printed in the RECORD in 8-point type.

There being no objection, the statement was ordered to be printed in the RECORD in 8-point type, as follows:

"During the last several weeks I have received from Montana many inquiries if I would be a candidate for reelection, and I feel the time to answer them has come. Many Montana people have urged me to be a candidate and offered their support, for all of which I am deeply grateful.

"I have given the matter careful consideration, and I have decided not to be a candidate. Upon the expiration of my term my plan is to return to Montana and to endeavor to reestablish myself in the practice of law.

"Here this announcement might appropriately end, but I take this occasion to thank my friends, who have remained steadfast. Their loyalty is deeply appreciated, and I hope my record merits it. If not, it is not because of lack of effort on my part.

"For more than 11 years I have tried to serve faithfully the people of Montana and their best interests. During that time I have given them the best and all there was in me. I have ever been at their service. I have sought service, not publicity; results, not credit. The work has been hard and wearing, and there have been very few days, when not prevented by illness, when I was not at my post, working long hours.

"In matters not political I have ever endeavored to give prompt, faithful, courteous attention to everything in which my aid was sought by any constituent—Democrat, Republican, Socialist—those of any politics and those of none. In such matters I have known no politics, factions, or past differences, but have tried to serve all alike. It has been a pleasure to me to do so. No one has appealed to me for aid in any legitimate matter whose appeal has been ignored.

"In political matters I have nearly always voted with the majority of my party. During both of President Wilson's terms, with one exception, I heartily supported all of his administration measures. For eight years, with one exception, I voted to confirm every nomination to office made by him. During the World War, from start to finish, I ardently supported him in all measures for the prosecution of the war and in preparation therefor. I unwaveringly followed him, as our leader, throughout that great conflict. After the cessation of hostilities I earnestly supported him in his efforts to have us enter the League of Nations, which I sincerely favored.

"Since President Harding's induction into office on administration measures upon which my party divided I have voted to uphold him when I thought it to the interest of my country to do so, otherwise not. Generally, when I did so, I was in company with Senator UNDERWOOD, Democratic leader of the Senate. I put but three things above my party—they are the Constitution, my conscience, the welfare of my country and State.

"Realizing the desperate plight of agriculture since the World War, I have voted for every measure for the benefit of farmers which has come before the Senate. I have supported many measures for the benefit of labor. I have voted for all measures for the benefit of disabled former service men, for whom the Government is now expending $1,000,000 a day, for all of which I voted. I have voted for all measures to promote good morals and clean living.

"I have not during either my first or second term in the Senate taken any stand or given utterance to sentiments or cast votes or made promises with a view to advancing my political fortunes or procuring reelection. My only aim has been to do what I thought right; my only guide has been my conscience. I have tried always to do my duty, be the consequences what they might. I know some things I have done have not been popular. I have not sought popularity. I realize I have not pleased all. I have not tried to do so. However, I have done my best, according to my sense of duty.

"I hope I may be succeeded by some one who will serve the people of Montana and of the country as diligently and faithfully as I have tried in my humble way to do, and who will do so more successfully and effectively. I hope the Democrats of Montana may nominate for my successor some one who may be acceptable to the party and who may be worthy of receiving the votes of a majority of the voters of Montana.

"When I shall return to the people of Montana the trust with which they have twice graciously honored me, I hope and expect to do so without having brought upon it discredit by any act of mine. I have broken no promises. I have given conscientious if not valuable service.

"I was here at my post the first day of my first term, upon the convening of Congress, and I expect to be here the last day of my present term. Meantime I shall continue to serve my constituents as heretofore. Thereafter, to such law business as I may be fortunate enough to get I expect to give the same degree of attention, diligence, and fidelity I have tried to give to public business.

"In conclusion, I thank the good people of Montana for all they have done for me and thank the Democrats of Montana for the honors they have conferred upon me. May the blessings of Providence rest upon Montana."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 831) to amend the proviso in paragraph 10 of section 9 of the Federal reserve act amended by the act of June 21, 1917, amending the Federal reserve act, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 7) authorizing the Secretary of the Treasury to designate depositaries of public moneys in foreign countries and in the Territories and insular possessions of the United States, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 9409) to amend section 5209, Revised Statutes of the United States, relating to penalty for embezzlement by a Federal reserve officer, agent, or employee, so as to include national bank examiners or assistants, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. Con. Res. 36. Concurrent resolution providing for printing as a House document 1,500 copies of the Journal of the Fifty-sixth National Encampment of the Grand Army of the Republic; and

H. Con. Res. 59. Concurrent resolution providing for printing 3,000 additional copies of Senate Document No. 181, Sixty-seventh Congress, entitled "A letter of the Alien Property Custodian transmitting a report showing the names of all persons employed by the Alien Property Custodian."

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. McCUMBER. Mr. President, I ask unanimous consent at this time to report back from the Committee on Finance the so-called soldiers' compensation bill, the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. UNDERWOOD. I shall not object for the moment, as I do not want to interrupt the Senator's statement. I prefer to let him make his statement first.

Mr. McCUMBER. Mr. President, I only desire at this time to say that the committee has sought in the revision of the bill to meet the objections that were urged against its consideration and upon which it was referred back to the Committee on Finance some time ago. The committee have made quite an elaborate report, and I shall ask Senators to carefully consider that report, because it fully explains everything that it will be necessary to understand in the discussion of the bill.

At this time, without presenting the bundle of papers, I wish also to present and have referred to the Committee on Finance a petition containing something over one million names. It is the second installment of a million names of persons who have petitioned for the enactment of the bill into a law.

The VICE PRESIDENT. Without objection the petition will be received and referred to the Committee on Finance.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. Will the Senator allow me to finish my statement first?

Mr. WILLIAMS. I beg the Senator's pardon. I thought he had finished.

Mr. McCUMBER. I shall finish in just a moment.

Mr. WILLIAMS. I merely desired to reserve the right to object later.

Mr. McCUMBER. Very well.

Mr. President, at some time in the very near future I hope to be able to lay aside for a day or two the consideration of the tariff bill for the purpose of considering and passing, if possible, the soldiers' compensation bill.

I desire to say at this time that while the pending tariff bill which is under consideration marks the dividing line between Republicanism and Democracy, and in its discussion necessarily there must be partisanship and an attempt to take some partisan advantage if possible, in the soldiers' compensation bill we have nothing but an American bill. I hope we shall be able to dispose of it as an American measure in the same spirit that we voted for appropriations to carry on the war.

In fixing a time to bring up the measure I shall consult with Members on both sides of the Chamber, because there are many on each side whose States are having their primaries, who must be absent at times, and who are desirous of being present when the measure is considered. I shall try to fix a date for bringing it up that will suit the convenience of most Senators upon both sides of the Chamber.

Mr. UNDERWOOD and Mr. BRANDEGEE addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. UNDERWOOD. Mr. President, the Senator from North Dakota has stated that the so-called bonus bill is not a partisan bill, and that is true. There are comparatively few of us on either side of the Chamber who are opposed to its passage, so far as I know, and probably those in opposition are about as many on one side of the Chamber as on the other.

I indicated a moment ago that the Senator could not have the bill taken up by unanimous consent, but that was not with any idea of filibustering the bill, because I realize that the majority of the Senate are entitled to act when they get ready; but I feel so earnestly that the bonus bill, if it shall be passed, will, in the end, not only work injury to the American people but will be an injury to the men whom it proposes to help that I do not want to feel that I myself have given consent to its consideration.

Of course I realize that objection to unanimous consent for the consideration of the bill is a mere matter of form; that the Senator from North Dakota may have the bill taken up and allow the tariff bill to go to the calendar for a few days and then move to take the tariff bill off the calendar without changing the status any more than by having the bonus bill taken up by unanimous consent; but I think I represent the views of those on both sides of the Chamber who intend to vote against the bonus bill when I say that I do not wish, as far as I am concerned, that we shall be parties to the consideration of the bill.

If the Senator from North Dakota is going to have the bill taken up this summer, I see no objection to taking it up to-day or to-morrow any more than taking it up in July or August. I think, however, when the Senator has a bill before the Senate which is intended, on its face, at least, to raise revenue, it is not a very good time to take up a bill which is admittedly going to make a charge against the Treasury of over $4,000,000,000, and which, in my judgment, if the interest is calculated against the claims, will amount to $6,000,000,000 or $7,000,000,000, and especially a bill which will not take effect until next year. If the bill is passed now, the only effect it will have may be a political effect. It is not going to help the ex-soldiers any to pass it this month any more than if it shall be passed in next December, because the resultant effect of the bill will not be accomplished until next year, no matter when it may be passed.

I should be very glad if the bill went over until after the election, so that the American people might have an opportunity to voice their sentiments on the subject. I realize that the American people are behind the soldiers. The soldiers are the heroes of this generation, and they are entitled to be the heroes of this generation; but it is now proposed by Senators to bring before the country a bill that is going to put a charge of from four billion to seven billion dollars on the American taxpayers, and, if I read the bill aright, it is so framed as to pass on that charge from the present to the future. So the young men who are going to receive this bonus, or will receive a certificate for a bonus, after the bill shall have been passed, in all human probability, if they make good in life, will be the men who must ultimately pay this great debt and in the future carry the great burden which it is proposed to put on the American people.

I realize, so far as I am concerned, that any efforts on my part to prevent the passage of the bill will be practically futile; I recognize that what I say represents on the Democratic side of the aisle only a few, and represents only a few Senators on the Republican side of the aisle; but I believe, in the effort of Senators to respond to a call which they think is in the interest of the finest young men who ever followed the American flag, that they are not only making a great mistake for the country but in the end they will do a serious injury to the ex-service men themselves.

Therefore I ask the chairman of the Committee on Finance when he gets ready to bring the bill before the Senate to do so on motion, so that the responsibility may rest on those Senators who are going to sustain the bill and not in any way on the Senators who are opposed to it.

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

Mr. UNDERWOOD. I yield.

Mr. TOWNSEND. I understand that the request of the Senator from North Dakota is merely that he may be permitted to present the report for the purpose of having it printed. I should very much like to have the report printed.

Mr. UNDERWOOD. I may have misunderstood the Senator from North Dakota. I thought he said that he wished to bring the bill up.

Mr. McCUMBER. Oh, no; I merely asked that I might present the report now; and I explained that I wanted to consult Senators on both sides of the Chamber as to what we shall do in the future.

Mr. UNDERWOOD. I misunderstood the Senator. There is no reason why the Senator should not be permitted to present the report by unanimous consent.

Mr. McCUMBER. That is all that is involved in my request.

Mr. UNDERWOOD. I have no objection to that. I merely ask the Senator when he gets ready to bring the bill before the Senate that he will do so by a motion.

Mr. McCUMBER. I shall not seek to bring the measure up, of course, until I have consulted Senators on both sides of the Chamber.

Mr. BORAH. That is, both sides of the question.

Mr. McCUMBER. That is the same thing.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. Will the Senator from North Dakota allow me to call up a resolution?

Mr. McCUMBER. Will the Senator from Connecticut merely allow me to submit the report?

Mr. BRANDEGEE. I thought the Senator had presented the report.

The VICE PRESIDENT. Is there objection to receiving the report from the Committee on Finance in accordance with the request of the Senator from North Dakota?

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. WILLIAMS. Does the filing of a report require unanimous consent?

The VICE PRESIDENT. The Chair understands that it now requires unanimous consent, because the Senate has had no morning hour for some time.

Mr. WILLIAMS. Very well. If it requires unanimous consent, I object, because I do not want to be particeps criminis in the remotest manner to any part of this performance.

The VICE PRESIDENT. There is objection.

Mr. McCUMBER. Then, later in the day, I shall again ask unanimous consent that I may submit the report, and I hope the Senator from Mississippi will accord us that courtesy, because it will make no difference in the matter of printing or of time.

Mr. ASHURST. Mr. President, the soldiers' adjusted compensation bill has already been delayed too long. Why does not the Senator from North Dakota move to proceed to its consideration? Contractors have been paid, profiteers have been paid and, in addition thereto, have had their excess-profits taxes removed; but an objection is interposed when a soldiers' adjusted compensation bill is reported. I hope the Senator from North Dakota will show some grit and, notwithstanding the objection of my friend from Mississippi [Mr. WILLIAMS], will move to proceed to the consideration of the compensation bill. This is the time for courage and sand.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BRANDEGEE. The Senator from North Dakota, I think, still has the floor.

The VICE PRESIDENT. The Chair is of the opinion that the Senator from Connecticut has the floor.

Mr. BRANDEGEE. If so, I yield to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I wish simply to say in response to the observations of my good friend from Arizona [Mr. ASHURST] that there is at least a "gentlemen's agreement" in the Senate that I shall not ask to lay aside the pending tariff bill without giving due notice and consulting with Senators on the other side of the Chamber, and also consult with the leader on the other side of the aisle.

Mr. ASHURST. I was not aware of that agreement.

Mr. McCUMBER. Therefore, I do not wish to move to take up the bill at present.

Mr. ROBINSON. Mr. President, will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. I yield.

Mr. ROBINSON. I thank the Senator from Connecticut.

Mr. President, during the course of the debate on the tariff bill a large number of measures have, by unanimous consent, been reported to the Senate from various committees of the Senate. I do not recall a single instance in which an objection has heretofore been interposed. The only effect of an objection to the filing of the report on the adjusted compensation bill by the Senator from North Dakota at this time will be to force an adjournment for a day, when, of course, during the morning hour, which would result on the following day after an adjournment, he would be able to submit the report.

The question of the bonus for ex-service men has been before the Senate for a long time. In my opinion, it is desirable that the subject be discussed and disposed of. It is a vexing question, not only threatening to enter politics but affecting almost every phase of industry and business. This country would have been better off, business interests in my opinion would have been advanced, by the settlement of the bonus question a year ago. The longer the delay the worse it will be for the country.

I realize that there are two sides to the controversy, and that the opposing viewpoint should be given liberal and free expression in the consideration of the measure, but I hope that my friend the Senator from Mississippi [Mr. WILLIAMS] will not persist in an objection to the submission of the report on the bonus bill by the Senator from North Dakota, and I also express the hope that within the next two or three weeks an agreement may be reached under which the Senate may proceed to the consideration of the bill and dispose of it. If no agreement can be secured, it will be necessary to carry a motion to proceed to the consideration of the adjusted compensation bill.

It is due to the American soldier to act promptly upon the measure. If we are going to decide that he is not entitled to adjusted compensation, we ought to give the decision promptly; if we are going to award adjusted compensation, we ought not to detract from the value of it by an undue delay in granting it.

This statement is made that it may be understood that the objection of my friend the Senator from Mississippi and the views expressed by my friend the Senator from Alabama do not reflect the viewpoint of all on this side of the Chamber. I thank the Senator from Connecticut.

Mr. McCUMBER. If the Senator will allow me, in addition to what he has said and in response to the statement made by the Senator from Alabama to the effect that, as the bill does not go into effect until the 1st day of January, there is no hurry about securing its passage, I desire to suggest that if the bill becomes a law the department ought to have fully six months time in which to get ready to put the matter into operation.

Mr. ROBINSON. Mr. President, in addition to that, with the indulgence for a moment further of the Senator from Connecticut, there is a feeling that is growing in the minds of American soldiers that ought to be allayed, a feeling that Congress regards the so-called bonus bill as a mere gratuity, and that its enactment will be the result of political fear and not of a sense of justice and necessity for righteous action.

Added to the suggestion just made by the Senator from North Dakota that a very large organization will be necessary in order to put into effect the administration of this measure, is the further consideration, which is of great importance, that there is nothing in the conduct or the record of the proposed beneficiaries of this measure to justify either branch of Congress or any department of the Government in dealing with it in such a manner as to create the impression that whatever relief is granted under the measure is grudgingly given.

Mr. LENROOT subsequently said: Mr. President, I feel very sure that the Senator from Arizona [Mr. ASHURST], who is always fair, will be willing to correct his statement of challenge to the Senator from North Dakota [Mr. McCUMBER] as to moving to take up the bill reported this morning. I am sure he was in error. That motion is not in order.

Mr. ASHURST. Mr. President, it is a fact that such a motion does not lie at this time, because we would first have to adjourn and have a new calendar day. I thank the Senator from Wisconsin for calling my attention to this. I now, however, express the hope that the Senate may adjourn to-day at the close of business and that we may have a new calendar day to-morrow, so that on to-morrow the eligible motion may be made to consider this soldiers' adjusted compensation bill.

This Republic will not endure if its Congress passes bills looking toward paying the profiteer what he claims, then removes the profiteer's excess-profits taxes, and then declines to consider the bill to pay adjusted compensation to soldiers. I thank the Senator from Wisconsin, however, for calling my attention to the parliamentary situation, and I shall rely upon him to-morrow with his parliamentary skill to assist some of us on this side and on the other side in securing consideration of the soldiers' compensation bill and the McNary-Smith reclamation bill.

This Government *owes* no man a living. It is the idler, slacker, and coward who says the Government *owes* him a living; but this Government does *owe* every man and woman in this land a fair *chance* to *earn* a living. Do you catch the distinction? The idler, the sluggard, will say: "The Government *owes* me a living"; but every man and every woman in our land has a right to say: "The Government *owes* me and must give me *an opportunity* to *earn* a living." Unless we pass the adjusted compensation bill and pass the McNary-Smith reclamation bill, we shall have denied many of our citizens the fair opportunity to earn a living.

STATUE OF ABRAHAM LINCOLN.

Mr. BRANDEGEE. I ask unanimous consent to submit a report from the Committee on the Library upon House Joint Resolution 127.

The VICE PRESIDENT. Is there objection? The Chair hears none and the report will be received.

Mr. BRANDEGEE. From the Committee on the Library, I report back favorably with an amendment the joint resolution (H. J. Res. 127) to reerect the statue of Abraham Lincoln upon its original site, and I submit a report (No. 754) thereon.

Will the Secretary, if there is no objection, kindly read the joint resolution?

The VICE PRESIDENT. The joint resolution will be read.

The reading clerk read the joint resolution, as follows:

Resolved, etc., That the Superintendent of Public Buildings and Grounds of the War Department be, and he is hereby, authorized and directed to reerect the statue of Abraham Lincoln upon its original site in front of the courthouse, city of Washington, D. C., upon an appropriate foundation or pedestal in harmony with the statue.

The VICE PRESIDENT. Does the Senator ask for the immediate consideration of the joint resolution?

Mr. BRANDEGEE. I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection?

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

Mr. BRANDEGEE. Mr. President, there is a committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 1, line 5, before the word "upon," it is proposed to insert the word "approximately."

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, this joint resolution was passed, I think, unanimously by the House of Representatives, and it has received the unanimous approval of the Committee on the Library; but I want to call attention to the fact that I am informed that it cost about $2,500 to take down the statue and store it in the basement of the courthouse, where it is at present. No appropriation seems to be made in the House joint resolution directing the Superintendent of Public Buildings and Grounds to reerect it upon a foundation and pedestal which will have to be constructed. I therefore asked Colonel Sherrill to make an estimate of the cost of reerecting it according to the directions of the joint resolution, and he writes the letter which I send to the desk and ask to have read; and then I will offer an amendment to the House joint resolution to provide the funds which it is suggested are necessary.

The VICE PRESIDENT. Without objection, the Secretary will read the communication.

The reading clerk read as follows:

WAR DEPARTMENT, CORPS OF ENGINEERS,
OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., June 3, 1922.

Hon. FRANK B. BRANDEGEE,
Chairman Joint Committee on the Library,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with the request made by your secretary, Mr. Lundy, I have to inform you that the estimate of cost of replacing the Lincoln Monument complete, approximately on its old site, including the cost of design and construction of a suitable new pedestal, the foundation work and erection of the monument, is all told $5,000.

Yours very respectfully,

C. O. SHERRILL,
Lieutenant Colonel, Corps of Engineers.

Mr. BRANDEGEE. I call attention to the fact that the committee has recommended that the word "approximately" be inserted before the words "its original site" because the committee was informed that originally the statue or its pedestal stood out a few feet upon the sidewalk, and it is desirable that the statue should not intrude upon the sidewalk; and that much latitude was thought advisable by the committee.

I now offer an amendment to provide the necessary money to pay for the cost of reerecting the statue.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. It is proposed to add at the end of the joint resolution the following:

The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense of the same.

The amendment was agreed to.

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

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

OHIO RIVER BRIDGE.

Mr. WILLIS. Mr. President, on the 6th of June the Senate unanimously passed a bill authorizing the construction of a bridge across the Ohio River at Steubenville. Meanwhile, an identical bill was passed in the House and came here and was handed down during the absence of the Senator from New York [Mr. CALDER], and consequently his attention was not called to it. The bill is now reported by me from the Committee on Commerce. I am authorized to make a unanimous report from the committee on the bill (H. R. 11646) authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio, and ask for its immediate consideration. It is absolutely identical with the bill which has already passed the Senate.

Mr. UNDERWOOD. Does it conform entirely to existing law?

Mr. WILLIS. Entirely so. It is exactly the same as the bill we passed, based upon Report No. 751.

The VICE PRESIDENT. Without objection, the report will be received. The Senator from Ohio asks unanimous consent for the present consideration of the bill. Is there objection?

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 consent of Congress is hereby granted to the Steubenville and Pittsburgh Bridge Co., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at or near the north city limits of the city of Steubenville, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of the approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendments, ordered to a third reading, read the third time, and passed.

FEDERAL RESERVE BANK OF ATLANTA.

Mr. HEFLIN. I ask unanimous consent for the present consideration of the resolution which I send to the desk. It calls on the Federal Reserve Bank of Atlanta for certain information.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 304) was read, considered by unanimous consent, and agreed to, as follows:

Whereas it has been charged upon the floor of the Senate that the Federal Reserve Bank of Atlanta has had printed and distributed in the State of Alabama, at its own expense, a speech delivered in the Senate by Senator GLASS, of Virginia, in which the position of Senator HEFLIN on the deflation policy of the Federal Reserve Board was assailed and criticized; and

Whereas it is charged that the said Federal Reserve Bank of Atlanta, its officials or agents, wrote, or caused to be written, a letter which was sent into the State of Alabama with the speech of Senator GLASS commending the speech and calling on the recipient thereof in the State of Alabama, the State represented in part by Senator HEFLIN, to write the Federal Reserve Bank of Atlanta his opinion of the speech and his position in the matter: Therefore be it

Resolved, That the Federal Reserve Bank of Atlanta be, and it is hereby, requested to furnish to the Senate, in writing, at its earliest convenience, a list of the names and addresses of citizens in the State of Alabama to whom said speech and letter were sent, and all information in its possession called for in the following questions:

1. Was the speech in question of Senator GLASS sent into the State of Alabama by or at the instance of the Federal Reserve Bank of Atlanta?

2. Was a letter written by said Federal reserve bank, or any of its officials, and sent with the speech of Senator GLASS to voters in the State of Alabama; if so, what were the contents of such a letter?

3. At whose instance and expense was the speech of Senator GLASS printed and distributed to voters in the State of Alabama?

4. How was the fund provided, and how much money was expended in printing and sending into Alabama the speech of Senator GLASS and the letter which accompanied it?

5. To how many people in the State of Alabama were the said speech and letter sent?

6. Did the Federal Reserve Board, or any member of it, suggest the sending or have anything to do with the sending of the speech of Senator GLASS and the letter which accompanied it into the State of Alabama?

PRICES OF COAL.

Mr. WALSH of Massachusetts. Mr. President, I desire to take the time of the Senate for a brief period to call attention to the critical situation that is developing in this country as a result of the shortage of anthracite coal and the increase in the price of bituminous coal.

There are two fuels produced and used in this country—bituminous coal and anthracite coal. Two strikes have been in progress since April 1 last, the strike of the bituminous-coal miners and the strike of the anthracite-coal miners. The strike in the anthracite coal regions has resulted in a complete suspension of the production of anthracite coal. No anthracite coal whatever is being produced at the present time. The strike in the bituminous-coal regions has resulted in a possible serious shortage in the supply of bituminous coal in the near future.

I take the time of the Senate this morning for the purpose of impressing the Congress with the critical situation that has developed, and the serious consequences that are likely to follow if some steps are not taken to solve the present difficulties in regard to our supply of fuel. Perhaps I can not impress the seriousness of the situation better than by reading two or three brief letters which have been sent me recently by residents of Massachusetts.

The first letter is from Mr. Robert Robertson, a contractor in the city of Beverly, Mass. He writes me, under date of May 29, as follows:

I wish you would tell me what the situation is on the coal strike. I suffered a great deal in the last coal strike and I wondered what the situation is, and why we do not hear more about it in the newspapers.

I understood a committee was appointed, or was to be appointed, by the National Government to take this matter up.

It seems to me something ought to be done, and I would be obliged for any information you can give me.

Sincerely yours, ROBERT ROBERTSON.

Another letter is from Mr. J. O. Sturtevant, of the Marston-Sturtevant Co., 278 Cabot Street, Beverly, Mass., also dated May 29, as follows:

DEAR SIR: Why is it that there is no direct effort made by the Government to investigate and settle the coal strike? This ought to be done immediately and the facts made public. It is of vital importance to the New England industries as well; and the newspapers seem to be saying little about the coal situation.

Respectfully yours,

J. O. STURTEVANT.

A third letter is from a dealer in anthracite coal in the city of Boston. The letter is dated June 5, and reads:

According to report in Boston papers you confined yourself in your resolution mostly to the "bituminous" situation, which, of course, is commendable. We in Boston think the "anthracite" situation is in a far more desperate condition, as it is used almost entirely for the comfort of the homes throughout New England, and we can truthfully say that the stock of "anthracite" now in Boston could be cleaned up by the 15th of July if the dealers had their entire equipment at work delivering to customers.

Yours sincerely,

D. DOHERTY CO., *Coal and Wood.*

Information of a similar character, namely, that by the middle of July the supply of anthracite coal will be exhausted in New England, comes to me from many reliable sources.

Some facts have been revealed in the last few days which tend to show that improper advantage is being taken of the coal shortage to increase prices. The bituminous operators met in this city a few days ago with the Secretary of Commerce, called here for the purpose, it was announced, of fixing the price of bituminous coal to the consumers. Up to the time of the meeting in Washington of these operators with the Secretary of Commerce there had been practically no change whatever in the price of bituminous coal to those having contractual relations with, and were recognized as regular customers of, the bituminous operators whose mines are now in operation. It is a fact that certain public service corporations and other coal consumers who were obliged to buy bituminous coal in the spot market were charged excessive prices prior to the 1st of June, but these cases are somewhat isolated. From April 1, however, until June 1 the average selling price of the most salable quality of bituminous coal was about, if not less than, $1.75 per ton. That coal delivered in Chicago and the Middle West was selling to the householders of Chicago for about $7 per ton, this including cost at the mines, freight rates, and retail dealers' commissions.

After the meeting of the coal operators with the Secretary of Commerce, announcement was made that a voluntary agreement had been reached whereby the maximum price of bituminous coal was to be $3.50 a ton. Almost overnight, after a meeting with the Secretary of Commerce, bituminous coal advanced in price from $1.75 per ton to $3.50 per ton. It is unbelievable that a public official would be a party to increasing the price of bituminous coal to this extent under the circumstances and in the light of the facts which he has disclosed in his report to the Senate in response to Senate Resolution 298, introduced by me a few days ago.

First of all, the strike in the unionized bituminous coal regions has not as yet seriously affected the supply of bituminous coal. The figures presented by the Secretary of Commerce in response to Senate Resolution 298, and the undisputed figures presented by the brief filed by the retail coal merchants of this country, show that there was on hand 60,000,000 tons of bituminous coal at the time this strike took place April 1.

Mr. OVERMAN rose.

Mr. WALSH of Massachusetts. Let me finish this thought, and I will yield to the Senator in just a moment. The production has been between 4,000,000 and 5,000,000 tons every week from that time to the present time, and the consumption has been from 5,000,000 to 7,000,000 tons. I think the brief of the retail coal merchants states that the consumption may reach 8,000,000 tons. So we have this situation: Coal is being produced in the bituminous coal regions of this country where there is no strike in sufficient quantities to take care of, for the present, the consumption of the country; but because there is a strike in certain coal regions, and because those who have been purchasing from those coal operators whose plants are closed by reason of the strike are obliged to go out into the spot market, exorbitant prices have been charged to the business men forced to go and buy in a spot market.

Now I yield to the Senator from North Carolina.

Mr. OVERMAN. I wish to understand what the Secretary of Commerce had to do with increasing the price in a week from $1.75 a ton to $3.50 a ton? Did he consent to that increase from $1.75 to $3.50 to the consumers of this country?

Mr. WALSH of Massachusetts. I will come to that in a moment. I have no quarrel with the Secretary of Commerce. I think he tried to do a public service. I believe his intentions and motives were of the best. He learned that certain public-service corporations, forced into the spot-coal market, were being charged by these coal operators exorbitant prices, namely, $3.50, $4, and $4.50 a ton, but he failed to appreciate the fact that the price to the regular customers of these operators had not varied during February, March, April, May, and June; indeed, not until the operators met Mr. Hoover here in Washington on Memorial Day, and then an advance of 100 per cent was given the retailers.

Let us consider the facts: Every person who is a regular customer of the bituminous-coal operators whose mines were in operation was being charged $1.75 per ton up to June 1. A few individuals, forced into the spot market, were being asked exorbitant prices, and paid them. Mr. Hoover called the coal operators together, and they met with him in this city on Memorial Day. No other agencies or representatives of the coal industries or the consuming public were invited, though it appears that a telegram was sent to Mr. Hoover from the retail dealers of this country requesting that they have a conference before the price was finally fixed, and he had fixed the date for that meeting, which was the day after Memorial Day, namely, May 31. When the representatives of the retail coal dealers of this country, those who bring the coal to the homes of the American people, arrived in Washington on Memorial Day afternoon they found Mr. Hoover in session with the coal operators, and they were informed by the coal operators that they came too late, that the price was already fixed at $3.50 a ton.

I say only in fairness to Mr. Hoover that he probably intended to fix a maximum price for spot coal of $3.50 a ton. I can not explain his conduct in any other way; but the results that followed were that every coal dealer in American was notified the instant Mr. Hoover met with the operators and agreed to $3.50 per ton that the price for all had been raised to $3.50 per ton, and every single user of bituminous coal, as the result of the meeting of May 30 and 31, has had his coal bill advanced $1.75 per ton.

Mr. ROBINSON. Mr. President, under what authority does the Secretary of Commerce assume to raise the prices?

Mr. WALSH of Massachusetts. Under no authority. I repeat, I think he thought he was doing a public service. I, personally, think he was buncoed. I believe that he was deceived and misled by the coal operators, and I think he ought to do something to undo the harm that has been done, for very serious results have followed.

I have received from coal dealers, who are buying from operators, information which I will put in the RECORD later as to just how and what advance in price took place. Coal dealers all over this country, having contractual and business agreements with operators for prices made before May 30 for $1.75 per ton, found on May 31 that their prices were raised to $3.50 per ton. Of course there is no justification for it. If the consumption of bituminous coal had been greatly in excess of the production, some possible excuse might be advanced for increasing the price, but the cold facts are that the consumption is not as much as the weekly production, plus the supply that was on hand April 1.

What happened was this: Because some dealers and some users of bituminous coal had to go to a different operator to do business they were held up and these extortionate prices have been demanded of them because of the distress in which they found themselves by reason of the strike in the mines owned by the operators with whom they had been doing business.

Mr. ROBINSON. Mr. President, during the war the Government deemed it necessary to regulate the prices of certain basic commodities, and in so far as it could do so conferred power upon certain agencies of the Government to execute its will in that particular. It is astonishing, beyond my power to realize, that a high officer of the Government would presume to act in a matter of that character without any authority of law and to impose upon the consumers of this Nation his individual viewpoint as to what was the proper price for such an indispensable commodity as coal.

The statement which the Senator from Massachusetts is making is very important. It is astonishing to me to learn that without any semblance of authority, and for merely benevolent reasons, the Secretary of Commerce would assume to determine, in conference with the wholesalers of coal, or the producers of coal, what the people of this country should pay for that indispensable product.

Mr. OVERMAN. And be a party to an agreement, without any authority, to increase the price about $2 a ton.

Mr. WALSH of Massachusetts. The agreement into which they entered was and had to be voluntary, but it is my opinion

that it was illegal, and that a committee of this body ought to hear the facts and suggest to the Attorney General that proceedings immediately be instituted against these coal operators.

I want the Senator from Arkansas to realize this situation, too. Understand there is no strike in the region where the coal operators have increased the price. Their cost of production has not increased at all. They are mining coal as cheaply as they did before the strike. Their relationship to the general public is exactly as it was before the strike. And yet because of the demand coming to them from those who have purchased coal from other operators they, without any justification, proceed to profiteer and to extort to the extent of 100 per cent. It is inconceivable. The American people will not tolerate a condition like this. They will not tolerate increasing so suddenly and arbitrarily the price of coal, such an essential to the prosperity of our country and to the happiness and welfare of our people. They will not tolerate increasing the cost of coal 100 per cent overnight simply because a few operators are in a position to hold up the country.

Mr. OVERMAN. And yet they come here and get an agreement with the head of the Department of Commerce to agree to approve this increase. Is not that true?

Mr. WALSH of Massachusetts. That is exactly the situation.

Mr. ROBINSON. Mr. President, will the Senator permit me to interrupt him?

Mr. WALSH of Massachusetts. Certainly.

Mr. ROBINSON. The responsibility of fixing the price of a commodity like coal, something of almost universal use in all the industries of the Nation and indispensable to the comfort of nearly all the people and to the life of many of them, can not be overstated. The power to do that ought to be exercised with some regard to the rights and interests of the people who consume the commodity. It ought not to be exercised arbitrarily and without authority, because it is the power of life and death itself. It is amazing that an officer of the Government, even in a spirit of benevolence and from a desire to render a kindly service to an oppressed people, would attempt to exercise a power of that kind without any authority of law whatever.

Mr. WALSH of Massachusetts. It is quite apparent that the Secretary of Commerce thought, because he was reducing the maximum charge to a few buyers in the spot market, that he was doing a public service, but what must he think of the men with whom he entered into the agreement when they accepted his statement that the maximum price would be $3.50 by raising the price everywhere and to everybody? The price-fixing conference resulted in price raising.

Mr. CARAWAY. Mr. President, what other interpretation could they have put upon his terms if he granted the right to raise prices?

Mr. WALSH of Massachusetts. Their interpretation is that maximum and minimum mean the same thing.

Mr. CARAWAY. Is there not always the temptation to apply the maximum?

Mr. WALSH of Massachusetts. Yes; and the Secretary of Commerce had had previous experience and ought to have realized what the consequence would be. So bold were they in raising their prices that evidence can unquestionably be produced to show that dealers in bituminous coal, who had contracts for 10 or 20 carloads of bituminous coal at $1.75 per ton, were notified after the price-fixing agreement that the contracts were canceled, and that they would now have to pay, under the new agreement with the Secretary of Commerce, $3.50 per ton.

Mr. ROBINSON. Thus giving to that advance the color of governmental authority.

Mr. WALSH of Massachusetts. Absolutely. I do not want my statement alone to be accepted about the situation. I repeat and I emphasize the fact that there is as yet no serious shortage of bituminous coal.

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

Mr. WALSH of Massachusetts. Certainly.

Mr. SUTHERLAND. Upon what does the Senator base that statement, which is absolutely without any foundation in fact?

Mr. WALSH of Massachusetts. I thank the Senator for characterizing my statement in that fashion. I am not in the habit of asserting that other Members of this body make unfounded statements without hearing their explanation or hearing from them the evidence upon which they base their statement. I will give the Senator the information. I will give him the information from Secretary Hoover himself. I will read from the report which is on the desk of every Senator, the report of the Secretary of Commerce in response to the resolution which I offered some days ago asking for certain information about the production and consumption and price of bituminous coal. I read:

1. "The present supply of mined bituminous coal."

The latest information we have is a canvass of the situation at the opening of the strike on April 1 by the Department of Commerce and the Geological Survey, partly depending upon various trade associations. No funds have been available for the repetition of this inquiry.

On April 1 the stocks of mined bituminous coal in the hands of consumers were estimated at 63,000,000 tons. In addition thereto there was estimated to be 4,000,000 tons on the Lake Superior and Michigan docks and about 2,500,000 either on tracks or in storage belonging to the operators. There was also an unknown amount of coal in transit on the railways. A guess has been made that it amounts to between 10,000,000 and 15,000,000 tons.

So there were on hand 63,000,000 tons and 2,500,000 tons in addition to that, plus between 10,000,000 and 12,000,000 tons, making about 75,000,000 tons of coal on hand.

Mr. ASHURST. And 4,000,000 tons on Lake Superior.

Mr. WALSH of Massachusetts. Yes; making about 80,000,000 tons in round numbers.

Now, let us confine ourselves to two inquiries: What is the production since April 1 and what has been the consumption?

2. The average weekly production and consumption of such coal since April 1, 1922.

That is the second question I put to the Secretary of Commerce through the resolution to which I have referred. His reply is as follows:

The only statistics as to production are the daily number of cars loaded, and are furnished by the railways as follows:

Week ending—	Estimated tons.	Week ending—	Estimated tons.
Apr. 8	3, 825, 000	May 20	4, 484, 000
Apr. 15	3, 656, 000	May 27	4, 856, 000
Apr. 22	3, 575, 000	June 3	4, 600, 000
Apr. 29	4, 175, 000		
May 6	4, 164, 000	Total	37, 768, 000
May 13	4, 433, 000		

That is the production. Now, let us see what the consumption is. I read:

There are no statistics of consumption. A rough estimate may be deduced by assuming the consumption to be equal to production based upon car loadings in other periods.

1921.

Week ending—	Tons.	Week ending—	Tons.
Apr. 9	5, 684, 750	May 14	7, 482, 250
Apr. 16	6, 085, 600	May 21	7, 461, 900
Apr. 23	6, 363, 150	May 28	7, 630, 050
Apr. 30	6, 512, 850	June 4	6, 366, 650
May 7	6, 901, 600		

Thus we see that, with all this supply on hand April 1, there has been a production on an average of between 4,500,000 tons and 5,000,000 tons, and there has been a consumption of between 5,000,000 tons and 7,500,000 tons.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question at that point?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. SUTHERLAND. The Senator states that the estimate of production ran up to 5,000,000 tons. I am looking at the same table from which the Senator read his figures, and the highest production shown during the period for the week ended April 8, to and including the week ended June 3, was 4,856,000 and it runs down to 3,575,000 tons. So that the average production for those weeks, from April 8 to June 3, would be between 3,575,000 and 4,856,000, or a little over 4,000,000 tons instead of nearly 5,000,000 tons.

Further than that, the consumption based upon former years runs from the lowest, about 5,000,000 tons, up to the highest, about 8,000,000 tons. The ordinary consumption is about eight or nine million tons a week. So that there is a shortage of about 5,000,000 tons a week.

Now, if the Senator will read just below that——

Mr. WALSH of Massachusetts. If the Senator had not interrupted me, I was about to read it.

Mr. SUTHERLAND. He will see that while there were 63,000,000 tons above ground on April 1, that the stock has been reduced until in the week ending June 3 there would be about 32,000,000 tons, or about one-half as much coal as there was on April 1, and that during the period when ordinary production should have kept up with consumption. So the Senator's statement that there was no shortage of coal was absolutely erroneous.

Mr. WALSH of Massachusetts. Does the Senator agree with me that there are 32,000,000 tons of bituminous coal on hand now?

Mr. SUTHERLAND. I accept the Senator's statement.

Mr. WALSH of Massachusetts. And yet he says there is a shortage of bituminous coal in this country.

Mr. SUTHERLAND. I say that the statement made by Mr. Hoover shows that on April 1 there was a total above ground of about 63,000,000 tons and that has now been reduced in these few weeks to 32,000,000 tons. If the Senator will figure at

that rate of production and consumption up until the 1st of September, he will see what the conditions will be at that time.

Mr. WALSH of Massachusetts. Of course, the supply is lessening all the time. Of course, the amount of coal on hand April 1 has been drawn upon and is decreasing in volume every week as the strike goes on. There is no question about that.

Mr. SUTHERLAND. Does not the Senator know that it is during this period when they stock up on coal and when there should not be that reduction, and the purchasers of coal know, when that reserve stock is being depleted week by week, that in the future, and in the no distant future, there is going to be an absolute famine in the quantity of coal above ground.

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

Mr. WALSH of Massachusetts. Will the Senator please let me read the paragraph which I had intended to read when the Senator from West Virginia interrupted me?

Mr. CARAWAY. Certainly.

Mr. WALSH of Massachusetts. The conclusions stated by the Secretary of Commerce, after he gave the tables from which I have quoted, are as follows:

As there has been considerable industrial recovery from the situation of 1921 and less activity than 1920, our rough guess is that the total consumption from April 1 to June 4 is about 65,000,000 tons.

The total consumption up to April 1 was 65,000,000 tons. There were 80,000,000 tons on hand and there were produced each week an average of 5,000,000 tons, making 40,000,000 tons, a total of 120,000,000 tons, and only about 65,000,000 tons have been consumed up to June 1.

Upon this data the stocks of mined bituminous coal remaining on hand week ending June 4 should be about 32,000,000 tons, and in addition the amount of coal in transit may amount to 10,000,000 tons.

So we see from the statement of the Secretary of Commerce that while there has been a steady and constant decline in the amount of bituminous coal on hand, there has been no shortage and there has been no necessity for raising prices except to profiteer. If there be necessity for any Government action, it should be to regulate the distribution of bituminous coal rather than price fixing.

But I am not going to confine myself to the report from which I have just read. I am going to read from the brief of the National Retail Coal Merchants' Association. Let it be understood that the coal operators who have been given permission to increase the price of coal to the industrial plants of America and to the home consumers of coal by 100 per cent are the very concerns who are paying nonunion wages of $4 per day to their miners, while the union mines whose miners are on strike have been selling coal before the strike for the same price; that is, $1.75 per ton, and paying $7.50 per day wages to the mine workers. Let me read that statement:

Not less than 68 per cent of the cost of bituminous coal is directly due to the labor in mining it. Not more than 65 per cent of the miners employed in the bituminous fields are union miners and members of the United Mine Workers of America.

It is the United Mine Workers of America who are on strike. I ought to say that this brief also brings out the fact that in the bituminous coal industry there are an excessive number of employees; it is overdeveloped.

I think the estimate of the figures here is that there are 600,000 miners who have been employed in the mining of bituminous coal when the demand is only for about 450,000 miners to take care of the demand.

The high labor cost in the organized field operating at artificial wage scales creates a situation which makes it impossible for the union mines to compete with the nonunion mines where wage scales are returning to normal. Under the union agreement, which terminated on March 31, 1922, the unionized mines were forced to pay $7.50 per day as the minimum wage rate to common labor.

Yet the union mines were selling bituminous coal up to April 1 for under $1.75 a ton.

As against this, the nonunion mines were paying about $4.50, and with the unionized mines shut down owing to the strike, the nonunion mines are operating full force.

A Geological Survey report of May 14 states that during the week previous 4,500,000 tons of bituminous coal were produced—

That was during the week previous to May 14—

A similar report for the week following, or ending May 27, states that the nonunion production had reached the total of 5,000,000 tons.

That amounts almost to the entire normal consumption, and we know that there has been an increased demand now because of the fear of what will happen in the future by reason of the prolongation of the strike.

Wages in the nonunion fields are based on current competitive and economic conditions, and the union mines can not compete with the nonunion since wages paid in the latter are dependent upon the inexorable law of supply and demand; whereas the United Mine Workers of America is attempting to force the unionized mines to pay an arbitrary wage regardless of conditions and prices under which their product must meet competition.

I think that information covers all available in regard to consumption and production. I have been handed some telegrams from coal dealers in my State with reference to the price now being charged. I have a telegram, although I have not had an opportunity to note its contents until this minute, from W. B. Finney, who is one of the leading coal dealers in the city of Boston, who, in response to a telegram from me, says, in part, that the price of low-grade bituminous coal has been quoted at $1.75 net in March and April.

I have explained the situation, and the question now is, What are we going to do about it? To the people of New England anthracite coal during the winter is an absolute necessity for health and comfort. Yet there is no production whatever of anthracite coal, practically not one ton coming out of the earth. With almost inexhaustible resources of coal, with money plentiful to capitalize the business, yet our people are without relief. Bituminous coal prices, with the assistance of governmental authority, have increased overnight by 100 per cent.

I want to be fair to Mr. Hoover; I am not charging him with any improper motives; but he owes it to himself to call the operators together and ask them for an explanation; and the Senate owes it to itself to summon all the coal operators with their books and papers and to find out what they were charging for bituminous coal up to May 20, and what authority and what right they had to increase their prices 100 per cent on the morning of May 31, after they had obtained the public sanction of the Secretary of Commerce.

The Secretary of Commerce has been fooled and deceived. His good intentions will not help the American consumers of bituminous coal. They can form their judgment of the wisdom of his acts only by results.

What are we going to do about it? How long are we going to say to the American people, what Mr. Hoover said in his report to the Senate submitted in response to the resolution presented by me, that there is no authority of law to settle the coal strike, and that there is no law to stop profiteering? How long will a patient public receive that answer without a protest?

This is no temporary misadjustment of the coal industry. I have been a Member of the Senate for three years, and each year I have been here I have found the exact situation which confronts us now. The same demands have come from my section of the country to do something to let them have coal, to do something to prevent robbery and extortion in coal prices.

Mr. President, private enterprise in the coal industry is on trial. The people will overlook an occasional or temporary misadjustment of an industry, even one producing an essential necessity of life, but constant repetition of trouble between labor and capital and constant profiteering they can not and will not overlook much longer. If this question is not settled, there will be a movement in this country to take the coal industry out of the hands of private enterprise, and, much as that result may be deplored—and I would deplore it—the people will take it into their own hands, for the people must have coal, and they will mine it themselves if private enterprise does not mine it for them.

What is the real trouble here? The coal operators have been unable to get along with their miners; they can not agree upon the share of profits which are derived from the sale of coal; they can not agree as to how those profits shall be distributed.

The public do not care about the profits of the coal operators and they do not care especially about the wages of the miners, but they do care about having this industry serve them coal at reasonable prices. The trouble has been that this industry, so essential and important to our people, has been used solely for profit making and no consideration whatever has been given to service. The day has gone by in America or elsewhere when any industry engaged in the production of an essential commodity can put service to the public after profit making. But the most damnable feature of the present situation is that they have not planned to make their profits over a long period of time, as most industries do, but they have proceeded, because of a strike in another part of the coal industry and a consequent curtailment of production, to extort exorbitant prices.

Mr. OVERMAN. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from North Carolina.

Mr. OVERMAN. I agree with the Senator from Massachusetts that if this kind of thing continues the American people will demand that the Government take over the industry. There is a distinction between coal and oil in this country and the railroads. Coal and oil have been put in the ground by God Almighty for the benefit of mankind, and are we going to sit silent here and allow a few men in this country to organize and profiteer upon the people of America until they suffer and

freeze and die because of the greed of profiteers? The people are not going to submit to such a condition.

Mr. WALSH of Massachusetts. Mr. President, I do not propose to sit here silently and see my people in New England obliged to pay a 100 per cent increase in their coal bills, or obliged to shiver and shake and endure hardships during the coming winter simply because the coal operators and coal miners can not agree.

We have been hearing much about discontent. Why should there not be discontent in view of the hard times through which we have been passing and in view of the terrible business depression in this country? Now, when there is a ray of hope and light and the indications are that there may be some improvement in the future, comes notice to the industries of America that their coal bills are to be henceforth increased 100 per cent and that next winter they will be without coal.

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

Mr. WALSH of Massachusetts. Certainly.

Mr. SUTHERLAND. Does not the Senator think it will be better, however, for the consumers in New England to pay the uniform price fixed in the manner which has been suggested than to be subjected to the chance of a runaway spot coal market, in which, under the stress of the continued shortage of coal and the approach of winter, coal may go from $10 to $15, or perhaps more per ton?

Mr. WALSH of Massachusetts. Oh, yes; if every haberdasher except one in this city should be burned out overnight, and a sudden demand should come for straw hats, the one dealer in straw hats might double his price, but it would be unmoral; it would lead to discontent; it would be an abuse of legitimate business practices; and when a similar condition is brought about in reference to the very commodities which we must eat, with which we must clothe ourselves, which we must have for our comfort and even for life itself, it will not be tolerated. Emergencies do not justify unconscionable profits.

I know the sentiment of many of the Members of this body that Government regulation is a failure, Government price fixing is a failure, Government control of distribution is a failure, Government ownership is a failure. In God's name, is there no remedy for a situation like this? Must we tell the people that under the American flag and under the American Constitution and under the laws of our Government, when an emergency arises everybody is licensed to profit where he will, how he will, and in whatever sums he may see fit to extort from the general public? Do you wonder that there is unrest and discontent in this country? Do you wonder that the masses of the people are beginning to lose confidence in the power of their Government to protect them against robbery and extortion, against profiteering, against taking advantage of emergencies to raid their pocketbooks as they are being raided?

Mr. President, the demand for coal for our industries and for domestic use is insistent and will grow more so as the winter months approach. There is hardly a city or village in the whole country where a shortage of coal is not now or will shortly be felt. Our coal resources are abundant. Whether operators or miners are responsible for the prevailing conditions, the general public will begin to care less and less, and will come to the inevitable conclusion that the coal industry is so organized in this country that it is no longer being conducted from motives of service but motives of greed and profit. Whether these motives are more pronounced in the operators than the miners will become immaterial.

Hardly a year passes when we are not confronted with a contest and scramble as to who shall have the most of the profits of this business, the miners or the owners, and between these two conflicting interests the public is squeezed.

Mr. President, I have talked longer than I intended. I want to protest——

Mr. LENROOT. Mr. President——

Mr. WALSH of Massachusetts. I yield.

Mr. LENROOT. I should like to ask the Senator, who is a very distinguished lawyer, whether he believes there is not any remedy short of nationalization of coal?

Mr. WALSH of Massachusetts. Mr. President, I did not intend to convey the impression that the Secretary of Commerce misstated any fact when he said there was no legal remedy.

Mr. LENROOT. And none that Congress could afford short of nationalization?

Mr. WALSH of Massachusetts. Aye, sir; I think there are many remedies. I say that to tell an indignant public, who have been gouged and robbed because of emergencies like this, that we are powerless, is absurd and ridiculous, is a blow at the freedom of our institutions and our capacity to promote the welfare and prosperity of our people. I believe the Government could step in and say: "Unless you settle this strike, unless you come together on mutually satisfactory terms, rather than let our people suffer, rather than have our people profiteered upon, we propose to step in temporarily and conduct this business."

Mr. LENROOT. I agree with the Senator about that.

Mr. WALSH of Massachusetts. Not only that but the Government could step in and control the distribution of the supply, and it could step in and control the price; it could step in and take hold of the mines themselves, which is a condition that we are rapidly facing if the misadjustment that we find existing now in the industry continues from year to year as it is continuing year after year, due to—I am not trying to place the blame—selfishness or greed for profits of either miners or operatives; but I say, as a representative of the public, "I care not; private enterprise is failing to conduct this business satisfactorily."

Mr. LENROOT and Mr. SUTHERLAND addressed the Chair.

The PRESIDING OFFICER (Mr. LADD in the chair). Does the Senator from Massachusetts yield, and, if so, to whom?

Mr. WALSH of Massachusetts. I yield to the Senator from Wisconsin.

Mr. LENROOT. I quite agree with the Senator's view, but I did not know that the Senator held the view—I should be very glad if he can substantiate it—that in a crisis of this kind the Government has the power to step in and fix the price or compel operation other than by taking over the industry.

Mr. WALSH of Massachusetts. It so happens, and men like the Senator, who are known to be on the alert to protect the interests of the general public, ought to be all the more on the alert to prevent an apparent abuse of power, because it happens in this instance that the stepping in of Government authority to advise with the coal operators has resulted in this widespread and general increase in the price of coal which did not exist until June 1.

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

Mr. WALSH of Massachusetts. I yield.

Mr. SUTHERLAND. Is the Senator yielding the floor?

Mr. WALSH of Massachusetts. No; I am yielding for a question. I will yield the floor shortly.

Mr. SUTHERLAND. On what information does the Senator base his statement that there is a large increase in the price? The Senator has raised a scarecrow, and is fighting something that does not really exist.

Mr. WALSH of Massachusetts. I call to bear testimony to the accuracy of my statement the distinguished Senator from Idaho [Mr. BORAH], who, with me, talked to three coal dealers day before yesterday.

Mr. SUTHERLAND. I talked to those same three.

Mr. WALSH of Massachusetts. I call to support me two more coal dealers that I talked with this morning, who informed me that the price of bituminous coal up to May 30 was $1.75 per ton.

Mr. SUTHERLAND. The Senator is entirely mistaken about that, and at the proper time I will give him the accurate figures to show what the price of coal was.

Mr. WALSH of Massachusetts. Will the Senator now tell me what the price of bituminous coal was on April 1, the day of this strike?

Mr. SUTHERLAND. I have here the figures from April 3 down to this date, the figures the Senator has been discussing most of the time, at the time when he alleges the price was so largely increased by the action of Mr. Hoover.

Mr. WALSH of Massachusetts. Is the Senator talking about spot prices?

Mr. SUTHERLAND. I am talking about the average coal prices of all kinds, the average market prices. These are official figures, which the Senator can verify by reference to the Bureau of Mines:

Week of April 3	$2.06	Week of May 1	$2.67
Week of April 10	2.19	Week of May 8	2.78
Week of April 17	2.23	Week of May 15	3.16
Week of April 24	2.49	Week of May 22	3.67

The Senator stated that the best grade of bituminous coal was selling at $1.75. I will say for the Senator's information and the information of the Senate that the average price of the best grade of coal—which, of course, is mined in West Virginia—for the week of May 22 was $3.99. That includes all the lower grades of coal, screenings, and, also, domestic lump. The domestic lump coal from those grades of coal, which is the best grade of coal mined in the world, produced in my State, was selling at $5 and $6 a ton, and upon the holding of this conference which the Senator from Massachusetts is complaining about it dropped to $3.50 a ton, which shows that the Senator is very much exercised about a condition that does not exist and never has existed.

Mr. WALSH of Massachusetts. Mr. President, unfortunately I get my opinions and views from the poor consuming public, and not from the coal operators. I suppose they have a limited fund of information about the price of coal; but I did not expect from the Senator from West Virginia such confirmation of my argument, because, on his own statement, these coal operators, paying these cheap wages, without any increase in the cost of production, have increased to the American public the price of bituminous coal from $2 to nearly $4 per ton in two months. That is the conclusion from his own statement.

Mr. BORAH. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I was going to say that, of course, I have no information about the price of this coal except that which comes to me from men who are in position to know and can only misstate the facts willfully, because they would not misstate them through ignorance.

Mr. SUTHERLAND. I will state to the Senator that I talked to the very same men that he talked to and the Senator from Massachusetts talked to and knew exactly how their statements, well intentioned as they are and representing a very small fraction of the business, are entirely misleading.

Mr. BORAH. It may be, Mr. President.

Mr. SUTHERLAND. The amount of domestic coal sold by retailers is about 10 per cent of the whole bituminous coal business. A few of those men out in Chicago have had contracts and are still enjoying the contractual price of $1.75 a ton, which was fixed down in my State and other States at a time when there was absolutely no business, and to keep the mines going the coal was sold to them at a loss.

Mr. BORAH. Mr. President, I am not sufficiently informed as to all the details of this coal controversy at this time to state what the actual facts may be. I can only state that the information which has come to me came voluntarily. The retail coal dealers sought us out, I presume, because we were members of the Committee on Education and Labor, and made their statements. For instance, there was a gentleman in my office this morning who is an officer of what is known as the American Wholesale Coal Association. They were in session on the 30th day of May in Detroit, Mich. They were also in session on the 31st day of May, their entire association, from different parts of the country. This gentleman stated that upon the 30th day of May the members of their association were purchasing coal at three prices, according to the quality of the coal, ranging from $1.20 to $1.75 and $2.19, and that upon the 1st day of June, while they were still in session, the price having been agreed upon Washington telegraphed to Detroit, not only was the price raised upon them, but in some instances contracts were canceled, and they were compelled to pay $3.50 for that for which they were paying $1.20, $1.75, and $2.19.

I can only say that this gentleman has expressed his willingness to come forward and make a statement under oath before the committee. I am not in a position, under those circumstances, to question the assertion. Other gentlemen called upon us day before yesterday and made similar statements with reference to their experience.

I want to say before I sit down, because I am not going to enter into any discussion of this matter at this time, that if things are not adjusted, of course we will have an investigation, so that we will know the facts, if the facts can be ascertained. I have assumed, as the Senator from Massachusetts has said, that it was the intention of the Secretary of Commerce to put a maximum price upon the coal, and that they, after talking with the coal operators, came to an agreement which was understood, as I understand, to be a maximum price of $3.50 at the mines.

That, however, it was treated as a minimum price by the operators I do not think there is very much doubt. That it was not intended to be a minimum price I think is pretty apparent from all the circumstances; but the facts as they come to us are indisputable that that which was regarded as a maximum price was immediately treated as a minimum price also, and the operators have not only notified those who were purchasing coal at $1.75 that they could not have it at that price, but these people state to us emphatically that contracts have been canceled, and that contracts which call for $1.75 have been canceled, and they are now paying $3.50. To what extent that covers the country we are not able to say at this time, of course, having talked to the representatives of only two or three of these associations.

Mr. NORRIS. Mr. President, I would like to ask the Senator whether the meeting of the wholesale coal dealers' association at Detroit was at the same time Secretary Hoover was in consultation here?

Mr. BORAH. Yes; it was the same date.

Mr. NORRIS. And the result of the conference here with Hoover was the sending of the telegrams to Detroit and other places to increase the price and cancel the contracts?

Mr. BORAH. As the gentleman stated to me this morning, while they were yet in session at Detroit the result of the conference here was telegraphed to the dealers in Detroit, to wit, that the price had been agreed upon at $3.50 at the mine, and, as a result, they were immediately notified, as retailers, that the price of the coal which they had been paying these figures for was $3.50.

Mr. NORRIS. Was the idea conveyed that the dealers who were in session at Detroit were given to understand that this agreement had governmental sanction?

Mr. BORAH. No statement was made to me to the effect that they regarded it as governmental action. I think, however, that in all probability a construction was placed upon it to that effect, not by reason of anything that happened here but from the mere fact that a Government official was in conference.

Mr. NORRIS. What excuse did they give for the cancellation of the contracts? As I understand it, these contracts were regular legal contracts, enforceable at law.

Mr. BORAH. It was so stated to me.

Mr. NORRIS. I do not understand what excuse one party to a contract could give for arbitrarily violating it and changing the price.

Mr. SUTHERLAND. Mr. President, there is absolutely no basis for the statement that any contract was violated by these men, and I am sure the Senator misapprehends the situation, or has been misled by the men who have been talking to him. Contracts for the sale of coal to wholesale dealers and retail dealers out in the cities of Detroit and Chicago are made upon the condition that they require adjustment each month according to market conditions. This conference was held on the 30th day of May. It perhaps is true that on the 31st day of May the operators told their customers that in the ensuing month they would have to pay the market price, which, by agreement held to be in the public interest, and which was undoubtedly in the public interest, had been increased or would be increased, to $3.50. That was not a violation of the contract. It was pursuant to a contract thoroughly understood by these wholesalers and retailers.

Mr. BORAH. I desire to say to the Senator that when he states there is no foundation for the statement I am making——

Mr. SUTHERLAND. I do not say that.

Mr. BORAH. He is himself greatly in error.

Mr. SUTHERLAND. I say, Mr. President, that the Senator has been misinformed.

Mr. BORAH. I have not been misled. I may have been misinformed, but I understand the English language.

Mr. SUTHERLAND. I say the Senator has been misinformed, and he may have misunderstood. I do not say he did misunderstand, but he may have misunderstood. But he certainly has been misinformed. His informants have not given him all the information in making to him a statement of that kind. The contracts with these men read that the price shall be adjusted from month to month, and that they shall pay according to the market price. Many of the contracts are continuous, and those people are getting their coal at $1.75 a ton, or whatever price was named in the contracts.

Mr. BORAH. Mr. President, these gentlemen also stated that the custom was to notify them upon the 25th of each month as to what the price would be the next month. Upon the 25th of May they were not notified. The operators were awaiting the action which was anticipated here in Washington, so the usual custom was broken. They were not notified upon the 25th of May, and they were not notified until the conference adjourned here in Washington, and then they were notified, contrary to custom, on the first day of the month, instead of the twenty-fifth day of the month.

As I said, there can not be any misunderstanding upon my part of the proposition. I am wholly unconcerned in the matter. I questioned them repeatedly as to the effect of the conference here, and I went as much as I could into the details as to why they supposed they assumed to increase that which was intended to be a maximum to make it a minimum price. I know what has happened, if these men are telling the truth, and if they are not telling the truth, we will find it out later. But I have no reason to doubt the statements which they made. I am interested only in securing the facts and working out a solution, if possible, of this problem.

Mr. SMOOT and Mr. SUTHERLAND addressed the Chair.

Mr. WALSH of Massachusetts. Mr. President——

Mr. SMOOT. Will the Senator yield?

Mr. WALSH of Massachusetts. I will be through directly.

Mr. SMOOT. I think we ought to have some testimony from others than interested parties, other than either the coal producer or the purchaser.

Mr. WALSH of Massachusetts. I wish the Senator would take his own time to make his statement. I can not yield at this time. I want to finish my statement, and then the Senator can take the floor and make any statement he wants to.

My statement that coal was being sold for $1.75 per ton is challenged. Of course, there are different grades of bituminous coal selling at different prices. I referred to the average price of bituminous coal. If my statement is false, the telegram which I hold in my hand, from a man by the name of Phiney, of Boston, is false, for he informs me that they purchased bituminous coal in February and March for $1.75 per ton. There can not be any dispute about the fact that bituminous coal was selling at an average price, at the time of this strike, under $1.75 per ton, though there may have been a grade here and there that was bringing a higher price than $1.75 per ton.

Mr. SUTHERLAND. Mr. President——

Mr. WALSH of Massachusetts. I want to finish.

Mr. SUTHERLAND. I do not deny that there was some coal sold at $1.75, and some sold at less than $1.75.

Mr. WALSH of Massachusetts. That was all I was talking about.

Mr. SUTHERLAND. Because these operators, in order to keep their men employed and having operated at a loss down there during a year or so, were still selling the coal at a loss. But that refers only to a very small fraction of the coal business.

Mr. WALSH of Massachusetts. Mr. President, I rose for the purpose of calling the attention of the country to the critical situation so far as the supply and price of coal are concerned. I have no quarrel with the coal operators. I have not attempted to fix the blame between the coal miners and the coal operators.

Mr. SUTHERLAND. Mr. President, the Senator certainly has made some statements that reflect very seriously upon the coal operators, and I think entirely without justification.

Mr. WALSH of Massachusetts. Time will tell. Then I hope the Senator, when he rises on this floor, will state publicly that he will cooperate with the Senator from Idaho and myself in bringing these operators here, putting them under oath, and finding out what they were charging in April, May, and June.

Mr. SUTHERLAND. The coal operators of my State would welcome such an inquiry. They have nothing to fear from the fullest publicity in regard to their prices or any of the conditions of their business.

Mr. WALSH of Massachusetts. Then it gets down to this: The Senator from Idaho and myself have been misled, have been deceived, have been misinformed by our constituents and by men to whom the increased price of $3.50 per ton was directed after the meeting of May 30, and who have to face the public all over this country in asking $1.50 increase in the price of coal. We also were misinformed that coal, in consequence, has increased from $7 to $9. I think the gentlemen who conferred with us are as reputable, though perhaps not as wealthy or as influential, and are as public-spirited as are the coal operators of this country. Certainly they can have no selfish interest. There can be no self-interest on the part of dealers who, knowing how powerful the lash of the coal operators can be and is, come to Senators voluntarily and ask us, as public servants, to protest against a scheme and plan now in operation to extort from the people of this country a 100 per cent increase in the price of coal. My only interest is to stop this price increase and to try and direct public attention to what is going on.

The Senator from Wisconsin asked me what remedy there was. The best remedy of all is publicity. Let us have a hearing. Let us call the roll, find out who these operators are, where they are located, what they have been selling their coal for, and how much they have been profiteering. That is the best means of all.

Mr. SUTHERLAND. I suggest that we bring all other branches of business here and make the same inquiry in regard to all other branches of business. Why single out the coal operators? They are not more guilty of these things than are other business people. The coal operators are perfectly willing to submit to the same kind of an inquiry that is directed to other kinds of business.

Mr. WALSH of Massachusetts. It so happens that the coal operators, unlike any other business in this country that I know of, have been taken under cover by the administration and received the moral sanction of a Government official to increase the price of coal 100 per cent.

If any other business in this country, whatever it may be, comes to Washington and gets the consent of any Cabinet officer or any Senator, or anyone else, to proceed immediately and increase its prices to the general public, then I say investigate it, too. But now we are dealing with the coal operators, and let us finish one at a time.

Mr. SUTHERLAND. Mr. President, the Senator must have watched the course of the coal market in 1920, when there was a shortage, and a sudden shortage, as the result of the strike called in the fall of 1919. The rumor of a shortage in coal largely operates in the same way that a run on a bank operates. You let the story be whispered about in this city that the strongest bank here is in a shaky condition, and that there is a scarcity of money in that bank, and you would destroy it.

Mr. WALSH of Massachusetts. Yes; but those who start and keep up the run do not get any more money as time goes on.

Mr. SUTHERLAND. The Senator thoroughly well knows that in 1920 there was a threatened shortage, just as there is now. The shortage is increasing every week. In 10 weeks the visible supply of coal—not a reserve supply, but the working capital in coal of a great many industries, wholesalers and others—will be wiped out at the present rate of consumption. The Senator must be familiar with what happened in 1920.

The very wise and farseeing action just taken by the Secretary of Commerce was taken in order to prevent what happened before, and it was with the cordial cooperation of coal operators, who might go out in the market to-day and get six or eight dollars a ton and next week more, if they chose to do so, as other people do who are engaged in business when they take advantage of market conditions. Patriotically they have agreed to cooperate with Secretary Hoover in an effort to prevent such conditions as occurred in 1920. I do not know of another industry where the men engaged in it have so willingly subjected themselves to governmental suggestions of that character to keep down prices, in the interest of the consuming public, as have the coal operators.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. I yield.

Mr. CARAWAY. It seems that the Senator from Massachusetts and the Senator from Idaho were misinformed and misled. Instead of being gougers, these coal operators came here to entreat the Government to prevent them from profiteering and to help them keep from raising their prices.

Mr. WALSH of Massachusetts. That is exactly the case.

Mr. CARAWAY. They were afraid the prices were going up, and they came here and asked the Governmnet to keep them from profiteering.

Mr. CALDER. Mr. President, the Senator from West Virginia has complained of the frequency with which the coal industry is brought in here for discussion and why we do not drag in all the other businesses of the Nation. Is not the answer, in part, that this business is the one great necessity of the people, next to the use of water? It is the thing all the people must have.

Mr. WALSH of Massachusetts. And the operators and miners are constantly in trouble.

Mr. CALDER. I quite agree with the Senator from Massachusetts. It is the duty of the Congress and the Government to secure accurate information concerning this most necessary business and particularly to watch over and guard the people's rights in its operation. I agree with the Senator, too, that unless some remedy is found it will not be long before the universal demand of the country will compel the Congress to deal with this subject as they have with water, the other great fundamental necessity of the people.

Mr. SUTHERLAND. And the same result will follow in that case that followed in the case of the railroads. We had Government regulation and control of the railroads for some years, and the Senator must know that we are paying double the cost for transportation, both of freight and passengers, on an average throughout the country. The inevitable result of governmental ownership or operation of coal mines would be to vastly increase the cost of coal to the consumer. If the Senator wants to try that experiment, let him look, if he pleases, at what has already happened when the Government has taken hold of any kind of business and operated it.

Mr. CALDER. It has not increased the price of water to the people.

Mr. WALSH of Massachusetts. The inevitable result is what? You say the Government can not interfere, the Government can not regulate, the Government can not fix prices, the Government can not control distribution. Again you cry out, look at the railroads and see how they were mismanaged.

The inevitable result is distrust upon the part of the people in the capacity of their Government to protect them against extortion and against gross mismanagement of an essential industry, essential to their very life and existence.

It is absurd to say that we are powerless, that we can not listen to complaints; that if we stand here and voice a protest in a matter of vital interest to the consuming public we are to be charged with being too radical, charged with being oppressors of industry and of coal operators. The real friends of the operators are the people who are calling attention to the discontent of the people over the way the matter is being conducted and trying to find some reasonable remedy that will give a living wage to the miner and a decent and reasonable profit to the operators.

Mr. NORRIS. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to pour a little oil on the troubled waters. I think this is just a misunderstanding here. The Senator from West Virginia [Mr. SUTHERLAND] stated the fact, or what he supposed to be a fact undoubtedly, that freight rates have been doubled under Government operation. The Senator, like he said of another Senator, has been misinformed by somebody. The Government turned the railroads back to the private operators long ago, and it is while they have been operating the railroads that the freight rates have been doubled.

Mr. SUTHERLAND. I will say to the Senator that he must admit that Congress placed in the hands of the Interstate Commerce Commission full control over the rates of our transportation companies and, if those rates have been increased, it must have been by the sanction of the Interstate Commerce Commission, which is acting as an agency of the Government.

Mr. NORRIS. Then the Senator cites, as an illustration for increased rates, Government ownership and Government operation of the railroads. It is a historic fact that this great increase has come under private operation and private ownership of the railroads.

Mr. SUTHERLAND. The Senator must know that that is the nearest approach to Government operation that we now have. We had absolute Government operation for a period of years during the war.

Mr. NORRIS. And when the private parties got their railroads back the first thing they did was to increase the rates.

Mr. SUTHERLAND. With the sanction of the Interstate Commerce Commission.

Mr. NORRIS. I am only stating an historical fact to rebut the statement of the Senator from West Virginia. In giving an illustration of how the Government destroys a thing, he said to look at the railroads; that the Government, operating the railroads, doubled the rates. As a matter of fact the Government may be as bad as he thinks it is and full of sin and have many things to answer for on the judgment day, but the great increase in freight rates came when the Government was not operating the railroads.

Mr. SUTHERLAND. I will ask the Senator whether the increases were not made by Government sanction?

Mr. NORRIS. Certainly they were made with the approval of Government officials. How else would they be made?

Mr. SUTHERLAND. That is just the point.

Mr. NORRIS. Private parties wanted them increased. It was on their demand that the increase was made. They said to the Government officials, "We want to increase the rates," and the Government officials said "Yes." Is the Senator condemning Government officials because they let the private owners of railroads have their way, or what did he mean when he was citing the increase of freight rates under Government operation? He has to concede that it was private operation even though Government officials did consent to it.

Mr. SUTHERLAND. The point I am making still holds that we have more nearly Government control of transportation interests than of any other business in the country. We had absolute operation of the transportation interests for a period during the war. It is true, as the Senator says, that since then the railroads have been turned back to private ownership, and the rates have been increased under private ownership, but always with Government sanction.

Mr. NORRIS. What difference does that make? The private owners asked for the increase. It is private ownership. It is private operation. They got the consent of the Government officials to increase their rates. Is that an argument against Government operation or Government ownership or the Government taking charge of business when it enters into the very vitals of the country and the people?

Mr. SUTHERLAND. The Senator must be aware that we have been paying some very large bills that resulted from Government operation of the railroads. It is conceded pretty generally that Government operation of the railroads was a failure. When the Government undertakes to operate the coal mines or to regulate the price of the coal, which it failed to do during the war satisfactorily to anybody, it will reach the same deplorable result that it did in the case of the railroads when it was wholly in charge of them or when it was partly in charge of the fixing of their rates.

Mr. NORRIS. If the Government took the railroads or if the Government takes over the coal mines it is not because the Government wants to do so. The Government took over the railroads in the war and the cost of operation increased, but it took them over when private operation absolutely failed and laid down and said, "We can not do any better." I am not approving of Government operation during the war. I think there were thousands of mistakes made. Perhaps the war would be sufficient excuse for those mistakes, but it is sufficient to say that the private owners, at the time the Government took over the railroads, were on their backs helpless, and the great railroad systems of the country were absolutely paralyzed and the Government took them over to save its own life.

Nobody is advocating that the Government operate the coal mines except as a necessity. I think, as the Senator from New York [Mr. CALDER] has well said, we must have coal under our civilization and that we have reached a point where it is as important as water. The people must have it. They do not want the Government to take the coal mines, but if to save their lives it must be done, then it will be done and must be done. I for one do not want the Government to operate the coal mines, but before I will see the people freeze I will vote for a proposition to take possession of every coal mine in the United States in the name of the Government and operate it in the name of the Government. We must protect the people, who must have coal in order to live. It would be just as bad to give to a private concern the control over the air we breathe. We must have it. It is an absolute necessity, not because we want to, but because we must if we do.

Mr. KING. Mr. President, will the Senator from Massachusetts permit an interruption?

Mr. WALSH of Massachusetts. I yield.

Mr. KING. I think perhaps a word ought to be said in reply to my good friend from Nebraska with respect to the railroads. The Senator, to use his expression, states that the railroads were upon their backs and imploring or importuning the Government to take them over. That in a sense is true, but I think all of the antecedent causes, in fairness to the railroads, ought to be stated, and the conditions which precipitated the collapse of the railroads, if they did collapse, ought to be adverted to.

Mr. WALSH of Massachusetts. Will the Senator from Utah kindly take some one else's time than mine to do that?

Mr. KING. Oh, very well.

Mr. WALSH of Massachusetts. I do not want to digress into a discussion of the merits and demerits of Government ownership.

Mr. President, there is no need of Government ownership. If the Government or one of its officials with authority gave notice that within three months the coal strike must be settled and coal produced for the consumers in America, and meant it, these coal strikes would be settled and there would be no need of Government ownership or Government control. It is because there is nobody with the courage and the nerve to tell the operators that unless a settlement is made and the American public sold the coal that they must have there will be some drastic action taken.

Mr. SUTHERLAND rose.

Mr. WALSH of Massachusetts. I am not only interested in bituminous coal, I am also concerned about anthracite, and I hope the Senator from West Virginia will not interrupt me when I talk about anthracite, because I do not think they produce it in West Virginia.

Anthracite is not being produced at all. What are you going to say to the people of Wisconsin and of Michigan and of Ohio and of Indiana, of the great Northwest, and what am I going to say to the people of New England this winter when they turn to me as their representative in the National Government, and say "What are you doing to give us coal to keep our children from dying of cold and hunger and disease?" It is a serious matter, Mr. President, and that is why I do not think it is necessary to apologize for taking so much time. A critical situation is here. Anthracite may not be available for purchase by a human being in New England after August 1 next unless something is done, and yet we sit here powerless, with no authority, no law, nothing to be done except to tell our people "Go and die; go and suffer; go and perish, because intelligence and good will is not being exercised by the miners and operators in the coal industry."

Government? Why, the people will be denouncing our Government if we do not do something to stop this terrible tragedy. We must act. We must find out where the remedy is. Every Senator here ought to do his best to suggest some remedy or some solution of this problem. When it comes to bituminous coal we ought to know why the prices have been increased, if they have been increased, and we ought to take some steps to prevent an operator in coal increasing his price simply because the production is falling off.

Mr. President, I am sorry to have taken so much of the time of the Senate, and I apologize to the Senator in charge of the tariff bill. However, I want to ask for cooperation here. I want to ask, in the name of the 100,000,000 consumers of the country, some consideration. I want to stop this squeezing of the public between the operators and the miners.

I do not know where the blame lies. I know that it is selfishness and greed between one or the other. I know that we are all suffering and we are becoming impoverished and business is being injured and our people will soon be obliged to suffer because of a broken-down economic system in the coal industry. It is time to act; and I hope the result of our discussion here this morning will lead the Committee on Education and Labor to summon these people here and find out the facts and take at least the first step in the solution of this question, namely, the utmost publicity.

You are deceiving yourselves, Senators, if you think an intelligent people will continue to stand idly by while this coal shortage and high prices go from bad to worse. The public is going to demand in the conduct of industries of this kind which produce the essentials of life that motives of service be superior to motives of profit. The public is going to demand that good will and intelligence be invoked in the coal industry in order that the public may have the coal industry organized for service and not for profiteering. If such an organization can be brought about, private enterprise will be secure; and those who say that private enterprise is breaking down will find themselves without followers. But if an organization founded upon the necessity and importance of service is not immediately set up it is inevitable that the coal industry will sooner or later be taken out of the hands of private industry. The people will have to mine coal for themselves when the coal industry fails them.

Mr. SUTHERLAND. Mr. President, I hold no brief for the coal operators of my State or any other State. I realize that it is one of the largest industries in my State, the largest industry, perhaps, and that the prosperity of my State largely depends upon it. I am as much interested in the prosperity of the industry because of the men who labor in it, who work in the mines, and because of the interest that all our banking institutions and our commercial institutions of every kind have in it, as I am because of any interest of any coal operator, and much more so.

The Senator from Massachusetts has made some reflections, and some other Senators have joined in those reflections, in a sense, upon the action of the Secretary of Commerce in calling the conference of coal operators in order to make some arrangement by which a reasonable limitation could be put upon the price of this essential product. There was a preliminary conference held by the Secretary of Commerce and various coal operators. As a result of that preliminary conference a considerable decrease was immediately made in the price of coal, amounting to about 50 cents a ton. At the suggestion of President Harding, a larger conference was held, participated in by many coal operators from all over the country. I regard the action of the President and the Secretary of Commerce in calling that conference as certainly justified by the experience of the country under similar conditions two years ago, and as being in the interest of the consumers of coal. If temporarily they might, in some instances almost abruptly, have to pay an increased price for coal, in the long run, if the strike continues any length of time, they will be vastly the gainers because the price will be steadied. Quite a quantity of coal has been sold at $1.75 per ton; some of it has been sold as low as $1.10 per ton.

I call the attention of Senators to a portion of the speech made by Secretary Hoover before the coal operators upon the subject of the prosperity or the lack of prosperity in the coal industry. He said:

> I have some little knowledge, perhaps, of the situation in the coal industry as it has existed during the past 12 months. I am fully aware that the industry as a whole has operated without profit and, perhaps, even at a loss; that prices to the public have been unduly low, so far as the mine operator is concerned; that differences in prices of 10 cents or 15 cents or 20 cents a ton make the difference between profit and loss in coal production. The public does not realize, I believe, that these are the margins for which the operator must contend.

I am sorry the Senator from Massachusetts [Mr. WALSH] has disappeared from the Chamber when I am reading these facts as stated by the Secretary of Commerce, one of the wise, strong men of the country, who is internationally known, a very thorough student of economic conditions, who, after a personal examination into the facts regarding this industry, makes these statements.

The fact is that the coal operators, as a class, have been losing money during the past year; that they have been operating at a loss. Many of them have not been able to run their mines at all during the past year, or they have been able to run them to but a very limited extent; some of them for only two or three days a week. So, at a time when there is some resumption of business these men should be allowed such a return for their coal as will pay their fixed charges during the time when the coal business was slack. If there is any way by which the coal business may be steadied so that it may run uninterruptedly and evenly during the entire year, no one will welcome such a condition more readily than will the coal operators; but the very nature of the business is such that it is probably impossible to do that.

I think a great deal of the criticism in this body and elsewhere in the country arises from a lack of understanding of the conditions that surround the coal business. The coal operator must invest a very large sum of money. In the first place, if he goes into the State of West Virginia or Pennsylvania or some other State and buys coal land of high quality he must pay anywhere from $100 to $2,500 an acre for it. If a shaft is needed to develop the coal, it requires a very large outlay of money in order to prepare the underground workings, to place the mines in operation, and bring a sufficient quantity of coal to the surface to enable the operator to meet his fixed charges. Even in the case of a drift mine it takes a considerable sum of money if all the modern appliances for producing coal in an economical manner are furnished and used. Also, the hazards of the business are great and very costly. It is undoubtedly true that coal has been selling during the past several months, up to the 1st of April and until a recent date, and under existing contracts is still being sold in places, at figures below the cost of production.

I attempted to give to the Senator awhile ago the average market prices of coal. These figures are official, running over a period of eight weeks and showing a somewhat steady increase of price, as the Senator states, but the Senator must consider the question as a sensible, practical man. I know the Senator is entirely patriotic in his efforts, but he, of course, looks at the matter solely from the standpoint of the consuming public in Massachusetts. I know that he does not want to do an injustice to anyone; I have the fullest confidence in his patriotism and in his sense of justice and fairness; but the Senator must know as a practical man that, as in the case of any other marketable commodity, when the quantity of coal above ground decreases and a constant shrinkage appears to be inevitable the price will correspond and will steadily increase.

Mr. WALSH of Massachusetts. Will the Senator permit an interruption?

Mr. SUTHERLAND. I will.

Mr. WALSH of Massachusetts. I understood the Senator to say that the coal operators were for some period of time prior to April 1 mining bituminous coal at a financial loss.

Mr. SUTHERLAND. I did say so, and that is absolutely the fact.

Mr. WALSH of Massachusetts. Will the Senator state whether or not they are still mining coal at a loss?

Mr. SUTHERLAND. The Senator must know that a very large number of mines all over the country and in my State are entirely shut down, that many others are only running a part of the time.

Mr. WALSH of Massachusetts. I am confining my question to those which are now producing bituminous coal and whom I charge with increasing substantially the prices of bituminous coal. Are they still mining coal at a loss?

Mr. SUTHERLAND. I take it that the coal operators who are now mining coal in quantity are not producing at a loss. I hope they are not producing at a loss, for they should not produce at a loss.

Mr. WALSH of Massachusetts. How long previous to April 1 were they producing coal at a loss?

Mr. SUTHERLAND. During the entire year preceding April 1, as the Senator knows, business conditions were such that the mines were not steadily employed. There was a strike on part of the time, and there was disturbance in some fields and business conditions were such that the mines could not be steadily employed; the price of coal was down, and many of them were worked at a loss.

Mr. WALSH of Massachusetts. But the strike in the unionized coal fields has resulted in bringing prosperity and financial gain to all the operators in the nonunion fields.

Mr. SUTHERLAND. I will say, Mr. President, that under ordinary conditions the coal in my State is of such a superior quality that the mines there operate, no matter how many other States may be mining coal, and the mines of West Virginia will get their share of the business if all the other States are mining coal; but they should not, and they do not, mine coal at a loss except when business conditions are paralyzed, as they have been during the past year, but the business is done normally upon a very close margin of profit.

The Senator from Massachusetts referred to an instance of the price of coal being $1.75 a ton. I know the Senator thought that was a fair instance, but that price is not representative at all; in fact, it is an exceptional price, made, no doubt, when the mines were only running on short time, when they were kept going, even at a loss, in order that the miners might be employed and their families might not suffer, and in order that the men might not leave and go to other occupations. However, the coal that was sold at such a price in the various markets would amount to about only 10 per cent of the product. By far the larger quantity of coal is sold in a large way upon yearly contracts; and, because coal is of such character and bulk that it can not be conveniently stored in quantity, it must flow evenly from week to week and month to month in order to keep the boilers going. It is almost impossible for anyone, however wise he may be, to foresee from time to time for several months ahead what the demands of business will be.

It is true that the price of coal has increased somewhat during the 8 or 10 weeks since April 1, but that increase was due to the inevitable law of commerce and trade, as universal in its application as the world is wide, that when the supply of a given commodity is constantly becoming less the price tends to increase. Of course, some of the coal operators who have suffered losses during the past year have naturally been trying, as human beings will do, to recoup their losses and get on the other side of the ledger.

As I said awhile ago, the average price of the best grade of smokeless coal during recent weeks has been $3.99 per ton. Some of the domestic lump coal—and I am referring, of course, to the fancy smokeless variety, which is almost as good as anthracite coal for ordinary purposes—has been selling at from $5 to $6 a ton.

According to the statement of the Secretary of Commerce that there are above ground now only about 32,000,000 tons of coal, if these supplies are being depleted at the rate of about 3,000,000 tons a week it can be seen that in 10 weeks, at about the time when stocks of coal at the head of the Lakes and in New England should be almost at their maximum, we will be faced with an absolute shortage of coal in all the markets of this country. Then we know what will happen. With winter approaching and the time at hand in the fall when the railroads begin to move the crops, inevitably a car shortage will result. If, happily, the coal strike should terminate, as I hope it may, there would then be a scramble for coal; coal would be brought to pit mouths in such quantities that the railroads would be hard pressed to handle it; in fact, they could not handle it; it would be impossible for the railroads of the country at that time to transport sufficient coal to make up for the lack of production and distribution of coal during the summer months.

The Secretary of Commerce has foreseen that at that time there would be a scramble for coal which would cause a skyrocketing of prices and result in injustice to industries and to the private consumers of coal. Therefore he very wisely sought to prevent that situation arising. The coal operators were called in conference with him to devise some way, not to increase their profits, as has been alleged on this floor, but to decrease their profits and to steady their business, and, in order to prevent public criticism, which would be unjustified, they have agreed that the price determined upon would be fair on the average under present conditions, and that price will be adhered to and the consumer of coal in the long run will be the gainer.

Mr. KING. Mr. President, will the Senator permit a question?

Mr. SUTHERLAND. I yield.

Mr. KING. Does not the Senator believe that the policy adopted by Mr. Hoover is going to act to the disadvantage of the retail vendor of coal and to the public? I say the public in order to differentiate them from the industries and from the railroads.

The Senator knows that perhaps from 15 to 20 per cent of the bituminous product is consumed by the public, and that the residue, perhaps 80 or 85 per cent, is consumed by the railroads and the industries. Mr. Hoover seems to have been very much concerned about the prices to be paid by the railroads and the industries, but it occurs to me—and I can not say that I have a matured judgment upon the matter—that he has been too indifferent to the needs of the public and to the results of his policy upon the consuming public. He expects the retailers to meet these increases, and to sell to the public the coal which is allotted to them at the same prices which they would have charged when they were buying the coal under existing contracts for perhaps from $1.75 to $2, or thereabouts, per ton. He expects them to absorb all of these differences. They will have now to pay $3.50 for their coal which they contracted to buy for $2 or thereabouts, or $1.75; and he expects them to sell to the public when they pay $3.50 a ton at the same rate as when they paid $2 or $1.75 a ton. It seems to me that Mr. Hoover has not had sufficient consideration for the public and has been a little too much concerned about the industries and the railroads.

Mr. WALSH of Massachusetts. That is exactly the situation.

Mr. SUTHERLAND. Mr. President, I was not present at the conference, but I have no doubt that the Secretary will take fully into consideration the facts with reference to that phase of the subject. As stated a while ago, many of those wholesalers have continuing contracts which are still in force at the same price. This increase in price affects a margin of 5 or 10 per cent, a very small quantity, which was under contract in such a way that adjustments monthly were made of the price to be paid.

Mr. SMOOT. Mr. President, can the Senator explain why the price of coal on May 22, 1922, was considerably higher than it was on June 5, 1922?

Mr. SUTHERLAND. That shows the effect of this conference.

Mr. SMOOT. For instance, I want to call attention to the fact that the wholesale price of coal f. o. b. the mine at Kanawha, W. Va., on May 22, 1922, was $3.25. On June 5 the same coal was $3. The wholesale price of coal at Logan, W. Va., on May 22, 1922, was $3.25; on June 5 it was $2.85. The wholesale price of coal at Fairmont, W. Va., on May 22, 1922, was $3.50, and on June 5 it was $2.85.

Mr. SUTHERLAND. That shows quite clearly that there has been a very determined effort on the part of the coal operators as well as the Secretary of Commerce, in spite of the opportunity that these conditions afford for taking from the public profits which are very much needed by these men to recoup them for losses sustained in the past year or so, so as to steady this business and to maintain a uniform price. I myself, upon every occasion when I have met coal operators from my State or other States, have told them that I thought they ought to take such action as would prevent a runaway coal market such as we had in 1920, and they have, I think, almost uniformly been of that opinion.

I know, as we all know, that many of these men, like men in other industries, object strongly to governmental interference. Some of these men came to that conference with speeches in their systems, and expected to deliver them, against the proposal of Mr. Hoover; but Mr. Hoover's attitude was so fair and patriotic that these men succumbed, and in the place of hostility he provoked only the most cordial cooperation on the part of these men. I believe that his action was wise, and that the consumer ultimately will be vastly the gainer, and I do not think there is anything that anybody need to fear, Mr. Hoover or anybody else, from the most searching investigation into the facts in this case. In fact, if more of the Senators will inquire carefully into the fundamental conditions surrounding the coal industry, I think that a great deal of the criticism which is heard here and voiced in the public press will disappear.

There are many great difficulties in regard to producing and marketing and distributing coal in a manner that is satisfactory all around. Nobody understands that or appreciates it quite so much as the coal operator does. I have been closely associated geographically with the coal business. I have not any money invested in it. I have not a dollar invested in it, but I do know how the business is conducted. For some years I was in the business myself. I served as a clerk at a coal mine when I first went into West Virginia, and manifested the coal out, and I have been around the mines. For 10 years or more I was directly engaged in the business, and therefore I know something about the conditions that surround it. There are many costs and hazards connected with that business that the people generally do not know, and the men engaged in it are entitled to a fair return to them for the great hazard that there is in the business.

Now and then we hear of some great calamity that occurs at some mine. We read in the morning paper that an explosion has occurred in a mine by reason of the accumulation of

gases. Every device that is possible to detect these things is used. Research departments are carried on by many of these coal operators in an effort to improve all the conditions concerning the workability of these mines; and yet few of us understand, or think, or care, that connected with such an explosion, in addition to the loss of valuable lives—which, of course, is the first consideration—there is a tremendous property loss, involving, perhaps, the total destruction of hundreds of thousands of dollars' worth of property. Somehow or other, those chances of loss must be carried by the industry itself, and these losses that are sustained in the ordinary operation of the business must be carried by the business, just as they are in other businesses.

Mr. KING. Mr. President, the coal situation is one which must be dealt with in a rational and sane manner. It presents rather complex features and involves many factors. Because of the importance of coal to the lives and welfare of the people, the question becomes acute whenever a shortage of coal is threatened. There are so many angles to the matter and so many factors to be considered that a coal-shortage condition presents a most serious situation. It can not be dealt with in an hysterical manner, nor without due regard to all parties involved. There are hazards in the coal business, as stated by the Senator from West Virginia [Mr. SUTHERLAND], and it is probably true that some bituminous operators in the past made no profits. However, that fact would not justify extortionate prices for coal needed by the public. It would be highly improper, if not unmoral, for coal operators to expect within a few months to recoup by charging extortionate prices all their losses over a period of years.

There are, perhaps, 10,000 bituminous coal mines in the United States, 7,000 actively operating when no strikes are in progress. Perhaps five or six thousand of these mines, if operated continuously, would produce sufficient bituminous coal to meet the requirements of the domestic market. Undoubtedly there are too many mines for the needs of the people. If all were operated one-half of the time there would be more bituminous coal produced than the market in the United States demands. Under these conditions many properties have been idle for months in each year, and some mining companies have been unable to meet the competition encountered. Owing to the shutting down of many mines during a part of each year tens of thousands of miners have been without work for like periods each year.

Many persons have engaged in the coal-operating business without experience or knowledge of the trade or the risks and hazards of the enterprise. There have been many conditions which have contributed to confusion and lack of stability and to violent fluctuations and disturbances in all branches of the coal business. This has reacted to the injury and disadvantage of the operators, the employees, and the public. The time has come when there should be greater stability and uniformity in this great industry.

If a considerable part of the employees in the coal business were to seek employment in other activities it would tend to solve the problem.

By that I mean that so long as hundreds of thousands of men are at the coal mines, and are able to obtain work but a few days each week, conditions will be unsatisfactory. It would be much better if those who are employed had constant employment at good wages—living wages—than to have thousands unemployed during much of the time. The situation must be changed, and the coal operators and their employees must enter into some plan to relieve the country from the strikes and lockouts and troubles which so often exist and which so seriously affect the public.

It has been said that many men prefer work in coal mines rather than in other industries, and that results in the overcrowded conditions in coal-mine districts. Be that as it may, there must be some method adopted that will furnish reasonably continuous employment to those who are employed in the digging of coal. During the war the demand for coal increased and, of course, there was profitable employment for a larger number of persons.

It has been difficult to secure readjustments since the war in most industries. That has been especially true of the coal industry. Unfortunately, when the Government had control, under Doctor Garfield, disarrangements of fields of sales resulted. Mines at great expense, for instance, had developed a market in a given State or in a given section of the country. The Government agencies paid no attention to the markets that had been developed at great expense by many of the coal operators, and diverted their coal to other fields. When the Government released control many of these operators found that their markets were gone; the Government had diverted their coal into other avenues and other markets, and they were compelled to seek other markets or to regain their old markets, which in the meantime had been preempted by other coal operators and other vendors. The entire coal business was disarranged, as were all of our industries, as the result of the war. We should approach the consideration of this subject calmly and dispassionately, with a desire to deal justly with the operators, the employees, and the public. We should have all the facts before us before any action is taken. The situation may become so serious as to call for the assertion of Federal authority; therefore we must be fully advised and proceed upon safe and legal and constitutional lines.

I am inclined to think that Mr. Hoover—and yet I do not wish to criticize him—was rather too precipitate in the arrangement which he made.

I think he ought to have called in the public and the retail dealers and conferred with them as well as with the wholesalers and the operators before he fixed the price of $3.50 a ton. The difficulty is that many of the retailers had executory contracts for $1.75 to $2 per ton. Now they are compelled to go out and buy coal at $3.50 a ton.

They had advertised to the public that there would be a reduction in the retail price of coal. Now, they can not fulfill their promises and this will provoke public resentment and prove very injurious to the retail coal dealers. It will not only injure them financially but it will result in a loss of confidence in them by the public. Instead of the public getting coal for the prices named they will be compelled to pay more than they paid before. I have no doubt that Mr. Hoover's purpose was to stabilize and, as the Senator said, to prevent a runaway market, but I believe that he did not fully consider all elements involved.

But, Mr. President, I do not think there is any necessity for the Government seizing the coal mines any more than there is a necessity for the Government to seize the railroads. I believe that the controversies will be adjusted and that the public will soon be relieved from the fear of a coal shortage. Of course, a situation might arise calling for drastic action, but such conditions are not present.

I stated on the floor of the Senate a few days ago that before the war the coal operators sold coal at the mouth of the mine cheaper in the United States than in any other country in the world, unless it was Great Britain. Think of coal at the mines at 95 cents a ton, and from that to $1 and $1.10 a ton. That was the average of pre-war prices, as I recall. I am speaking of the bituminous coal only. The coal operators in the main were men of skill, and they practiced economies that enabled them to produce coal very cheaply. I am advised that many coal operators obtained but small returns upon their investments, and that many never paid dividends upon the capital stock of their companies. Others, because of the large coal measures, the cheapness of operation owing to their geographical situation and their proximity to markets, and because of railroad advantages and other factors which enter into the cost of production, were enabled to produce their coal cheaply, and at the ordinary market prices were enabled to reap handsome rewards. But I think, taking it by and large, the bituminous coal operators of the United States have not made, upon the capital investment, a larger return than has been made in the other industries.

Of course, there are profiteers in the coal business, as there are profiteers in every business. There are profiteering lawyers, profiteering doctors, profiteering merchants, profiteering laborers. Profiteers will exist so long as selfishness and greed and cupidity are attributes and characteristics of the human heart, and we will all possess them to a greater or less degree until the blessed millenial area shall dawn upon us.

When we discuss this whole question, or legislate upon this question, let us address ourselves to it or legislate upon it in a sane and wise manner.

I hope that a speedy adjustment will be made of the controversies now existing that will prove entirely satisfactory to the mine owners and to the employees. We want an intelligent, happy, contented, and patriotic people, and there must exist a spirit of amity and fellowship between the employees and the employers in all lines of business. Labor must be properly rewarded and its contribution to the wealth of the land must be recognized. The dignity of labor must be appreciated, and there must arise a mutual feeling of respect and confidence between all classes—employers and employees—capitalists and those who create wealth with sweat of their brow and the labor of their hands.

A moment ago I interrupted the Senator from Nebraska, and was not able to conclude the sentence which I intended to complete respecting the seizure of the railroads during the war. In

my opinion, we could have avoided that step. I admit it is a moot question. No two men will agree when they argue the pros and cons of the railroad seizure, as to the wisdom of it. In my opinion, which is, of course, very unimportant, if Congress had permitted the railroads to cooperate and collaborate for the period of the war, relieving them from the penalties of the Sherman antitrust law, and had enabled them to provide capital to meet their operating expenses and most imperative improvement and requirements there would have been no occasion for taking over the railroads.

The Government of the United States closed every avenue for procuring money for investment or improvement purposes. It would not permit schoolhouses to be erected. We denied the right of counties and cities to issue bonds for municipal improvements, because the Government was commandeering all available capital for war purposes.

When the railroads were denied opportunity to borrow money in the markets because the Government had made demands for all available capital, of course they were helpless. When we talk about the inefficiency of the railroads and their inability to function during the war and prior to the period of seizure by the Government, we must take into account, in all fairness, the conditions which brought about the situation. The Government was responsible for the inability of the railroads to properly function.

If we had done as I have indicated, in my opinion the railroads would have met the situation, and there would have been no necessity for the Government taking them over. Moreover, under the operations of the War Department and the other departments of the Government, the railroads had but limited control of their own operations. Even before the Government seized them, on account of the priority orders the railroads were unable to meet the demands made upon them by the public. If cars were ordered by a private person for the shipment of his potatoes, of his cattle, or any other products, the railroads might promise to deliver them, but the next day the Government might seize the cars or issue a priority order which would prevent the railroad from furnishing the cars pursuant to contract. Of course under such a situation it was impossible for the railroads to proceed in the ordinary way, and in the end the Government took possession of them and operated them for many months.

During the period of Government operation it increased the wages enormously. It increased the freight and passenger rates and the Pullman rates. Then it superimposed upon the railroads heavy burdens to the extent of hundreds of millions of dollars, which have not yet been liquidated, and when the railroads were turned back to the owners there were burdens upon them, disadvantages and inequalities, which will take many years to straighten out.

So in the consideration of these questions we must endeavor to be fair and to be just and weigh all matters with the purpose of reaching correct conclusions.

Mr. LENROOT. Mr. President, if this strike continues another 30 days, I believe the wisdom of Secretary Hoover will be demonstrated to the country. The operators are but human, and unless there be some agreement upon their part, when this shortage actually does come, we will find coal going to seven, eight, nine, and ten dollars a ton again, as it did in 1920.

But the matter of the price of coal is not the all-important question at this time, and the people of my State, the people of all of the Lake States, and of the States tributary to the Lakes, are in a very different position with respect to this question than the people of the East. We can not wait until the 1st of October to have this strike settled without our people freezing next winter. We can not wait even until the 1st of September to have the strike settled without the people of the great Northwest suffering great hardship not only in the shortage of coal but in other ways. The acute question is the settlement of the strike, and I do not at all agree with the Senator from Utah that we must not think of the Government taking over the mines and operating them if the strike is not settled.

The Senator speaks of our being careful to follow sane and wise legislation in dealing with the subject. The purpose of my questions to the Senator from Massachusetts this morning was to draw out whether it was his opinion, as it was mine, that under the present state of the law there is nothing effectual the Government can do, aside from giving publicity to the matter, in dealing with this question short of operating the mines. For Congress to attempt to do something that the courts will hold Congress has not the power to do is merely making a bad situation worse.

Neither would I have the men who are on strike assume, because of the strictures that have been made upon the operators to-day, that in case it does become necessary for the Government to take over the mines and operate them, the men have thereby won their strike. As the Senator from Massachusetts has indicated, the public is concerned in this question, and it is too true that neither the operator nor the miner is very much concerned about the consumer, so far as this question is concerned. The miner should understand that it is as much his duty to come to a reasonable compromise with the operator as for the operator to understand that it is his duty to come to a reasonable compromise with the miner, and if they shall not do that within the next 30 days I believe it is the duty of this Government to serve notice to all interests that unless they do settle the strike the Government will take possession of a sufficient number of the mines and run them to make up the shortage, not yielding to the demands of the miner, but, after a fair tribunal has been created or appointed by some competent authority to find out what a reasonable wage is, to state that that is the wage that will be paid by the Government, and if the miners are not willing to accept that wage there are enough patriotic Americans who will.

The Senator from Nebraska suggested that if the strike is not settled we ought to take over every coal mine in the United States. If this coal strike is not settled, I hope that will not be done. If this coal strike is not settled, there should be just enough mines taken over to furnish the needs of this country, and both the operator and the miner should understand that if the Government does take over some mines in order to avoid this crisis, neither the operator nor the miner will necessarily profit by that transaction.

One of the operators told me not very long ago that they were indifferent whether the Government took over their mines, that they would get a good price for them, anyway. If the Government took over just enough mines to fill immediate needs and thereafter it became necessary to take over all the mines, the price that would be paid a few years from now would not be nearly as great as it would be to-day.

So, Mr. President, because of the acute situation which does exist and which to my mind fully justifies the discussion this morning, I believe that it ought to be understood by both the operators and the miners that the Government, in the interest of the people, is not going to lie helpless indefinitely, and that it will take such measures as may become necessary in the interest of the people of the United States.

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 PRESIDING OFFICER (Mr. McLEAN in the chair). The Secretary will state the pending amendment to the amendment of the committee.

The READING CLERK. The pending amendment is the amendment of the junior Senator from Massachusetts [Mr. WALSH], on page 83, line 21, in the language proposed to be inserted by the committee, to strike out:

Cash registers and parts thereof, 25 per cent ad valorem.

Mr. UNDERWOOD. Mr. President, before the vote is taken I desire to say a few words in reference to cash registers. I listened with some interest last night to the brief which the chairman of the committee had read into the record in justification of the action of the committee in taking cash registers off the free list, as they are under the existing law and as provided for in the bill as passed by the House and sent to the Senate and taxing them one-fourth of their value, 25 per cent. I shall not read all of the article, but there are some matters of interest to which I will call attention.

The article presented by the chairman of the committee just before we took a recess last night was a brief by Mr. H. A. Savage, representing the St. Louis Cash Register Co. and the American Cash Register Co. He starts out by saying:

When the existing tariff laws were passed by Congress, there was but one financially strong cash register manufacturer in the United States, namely, the National Cash Register Co., of Dayton, Ohio. That company enjoyed what amounted to almost a complete monopoly of the cash-register industry. That tariff act imposed no import duty upon cash registers, with a view, no doubt, of encouraging foreign competition and thus protecting the merchants of the United States against the very high prices charged by the one manufacturer above referred to.

That is a fair statement of the conditions which existed when the present law was enacted. There was at that time practically but one cash-register company in the United States. It not only had a monopoly of practically all the business of making cash registers in the United States but to a large extent it controlled the foreign market. At that time, if I recollect aright, under the former Republican law cash registers fell under what was known as the basket clause of the machinery paragraph,

and I think were taxed 45 per cent ad valorem. But the committee in 1913, recognizing the fact that this company was a monopoly and a recognized monopoly, that it was so powerful that it not only controlled the business at home but was able to enter the markets of the world and in many lands control the cash-register business of foreign countries, concluded that it would only be a sham to continue a tax on the product at the customhouse and so it was placed on the free list.

In the face of the fact that the cash-register business has about doubled in the eight or nine years during which the present law has been on the statute books, and that many citizens have gone into the business and invested their money under free-trade conditions, it seems to me quite remarkable that the committee should not only want to overthrow existing law but overthrow the action of the House of Representatives, which, I have no doubt, gave careful consideration to the matter.

I have great respect for the chairman of the Ways and Means Committee of the House, under whose guidance the pending bill was primarily written, but I never heard anyone charge Mr. FORDNEY with being a low-tariff man. I served on the Ways and Means Committee with him for many years and I never saw the time when he was not willing to vote for a protective tariff at all times and on all commodities where there was any justification at all. Yet the committee under his guidance in the House refused to put a tax on cash registers.

The only justification the Finance Committee of the Senate seem to have, so far as they have presented their case to the Senate, for changing the bill and putting a tax of 25 per cent on cash registers, is that certain independent manufacturers of cash registers have come to them and asked for the tax. I have seen no testimony to indicate what is the difference in cost of production here and abroad except the loose statement of people that it is very much less in Germany than it is in America, which, of course, means nothing. Men may make statements of that kind in perfect good faith without any ultimate knowledge of the facts, as I have found time and time again. Statements of that kind have been made before me, and I have cross-examined the witness as to what his knowledge of the facts was.

As a rule I have found that the American manufacturer who made statements of that kind is quite well posted on his own business, usually is a man of ability in his own line, thoroughly informed on what he is doing at home in his own factory, and absolutely ignorant of conditions abroad except what he may have read in some trade journal that is favorable to him, and then has misconstrued the result of the trade journal's information to color his own viewpoint.

Mr. President, so far as I can see there is nothing in the testimony which has been presented by the committee to justify our increasing the tax on the American people, the business men of America, except the testimony of one or two interested parties who give us no concrete facts, no labor costs, no cost of assembling the materials, no cost of transportation, no testimony as to the efficiency of machinery in this country and abroad, but merely an ad captandum statement that the cost of production in Germany is less than it is here.

Mr. President, cash registers are made by machinery. There are various kinds of cash registers, particularly the large ones and small ones, varying in the number of drawers they have and in their operation, but they are purely machine made and made in very large quantities. The parts of those machines are made by machinery, made by organized machinery to produce the parts, and are not made by hand labor. The only hand labor involved to any extent is in the assembling of the parts, which is a minor proposition in cost. No one has suggested that the difference in labor cost here and abroad materially affects the result in the price. Everyone knows that the commodities have been sold for enormous profits, and that the profits are very large up to this time.

Now, the argument on which the Senate of the United States is asked to reverse existing law, to reverse the action of the House of Representatives and put this article on the tax list, is this: The independent manufacturer says that his danger comes from the trust; that if we leave this article on the free list the trust will import from its foreign factories into America the products of its foreign factories and destroy the independents in America; and that if we put a tax on so the trust can not import from its foreign factories into America, then the independents will have an opportunity to combat the trust in the smaller makes of the goods. Of course, if the trust had made up its mind to put the independents out of business by importing goods from its foreign factories into America, it could put them out of business by underselling them in this market.

In real truth and fact, the National cash register, where organized, controls the market. It is sold at a very large profit. Cash registers run in certain well-defined lines. Of course, to start a new form of cash register they have to work out the machinery for that particular form, which they had not done in reference to the smaller articles. It left a field for independent manufacturers, with a great profit in that market, to enter the field for certain smaller classes of cash registers, which they have done. I suppose, for reasons of their own, the National Cash Register Co., the monopoly, have not seen fit to manufacture that class of cash registers.

It is not because of a tariff or the lack of a tariff that they exist; it is because the monopoly has not invaded that field. It is not a question of competition from abroad; it is a question of maintaining high prices and great profits which they want for this particular article; and there is no rime or reason for the proposition unless the majority side are merely going to adopt the system in writing this bill that if anyone who is engaged in a manufacturing enterprise comes here and says that he wants so much tariff at the customhouse, they will either give him what he wants or some proportion of it, regardless of existing industrial conditions in the world.

I know that it is somewhat embarrassing to the party in power not to do that. The party in power has been committed to a protective tariff as one of its policies and principles. It naturally takes the position that the more men who are interested in the theory and the principle of a protective tariff the stronger their viewpoint is, and that when an article is put on the free list and taken out of the family of protection, men are encouraged to believe in a different theory as to customs taxes. I realize that, and, therefore, I am not harshly critical of the position of the committee which represents the party in power in trying to make an omnium gatherum bill and to extend the field of so-called protection, whether it protects or not, so far as it can; but, on the other hand, Mr. President, it seems to me that there is one place where even the Finance Committee, representing the principle of protection, believing in the right to make the American people pay taxes to special interests, should draw the line and can draw the line without surrendering their viewpoint, and that is when it is ascertained that the producer of a particular article is not only a monopolist in the United States but a monopolist who controls the world's market; and that is the case in reference to the National Cash Register Co.

Viewing the subject from the standpoint of whether the industry needs protection, I know of no better test as to whether American industry is able to stand alone and to fight its own battles and succeed, regardless of foreign competition, than whether it can export its products to foreign markets and compete in the open markets of the world with its world rivals. It seems to me it is an argument that can not be answered, that if an American industry can carry its goods into those markets of the world and in material quantities combat for the trade of the world against all comers, it is no longer an infant industry at home and can fight its own battles here without governmental protection in the way of a tariff wall. That is the case with reference to this product.

I read from a Tariff Information Survey, relating to paragraph 165 of the tariff act of 1913, Machinery, No. 1. I quote from page 153, where there are given the exports of certain classes of goods that fall under this paragraph. I wish to say that the following figures are for the calendar year and not the fiscal year.

Of adding and calculating machines in 1919 we exported $3,417,958 worth; in 1918 we exported $1,974,250 worth; in 1919 we exported $3,863,217 worth; and in 1920 we exported $6,790,407 worth. That is what we sent into the markets of the world of the product which was manufactured here. We not only sent it out to the markets of the world, but we sent it out successfully, because we sold nearly $7,000,000 worth two years ago. I have no later figures than those, but I have no doubt that same tide kept up in the open markets of the world.

Of course, it may be shown that from time to time there have been sporadic importations; but if an industry such as that of the National Cash Register Co., with its factories located around the world, wanted to alarm the Finance Committee it could import a few of those machines occasionally and sell them in the American market, probably without loss to itself, for the benefit of the example it set and for the sake of the argument. However, Mr. President, without intending to reflect on members of the Finance Committee, from my viewpoint to levy a tax on the American people, or to attempt to levy a tax on the American people, under circumstances of this kind is unconscionable; there is no justification for it whatever. It is merely to please certain special interests that think they ought to receive this tariff and that they can increase their profits by having it.

I say "increase their profits," because it is manifest that the independents who appeared before the committee, according to the statement which I just read, and which the chairman of the

committee put into the RECORD, have built up their business when cash registers were on the free list. They invested their money in this business under free-trade conditions. This was not a war industry, and it was not necessary to develop it for war conditions. It had nothing to do with the war, but they put their money into it under free-trade conditions. They have prospered, for certainly they are still alive; they are still doing business, and they are evidently making money. The only thing they want now is for the Government of the United States to put a tax at the customhouse, which I understood the chairman of the Committee on Finance to say the other day was a protective tax, to enable them to make more money out of the American people.

It may be the new theory of the Republican Party that taxes should be levied to guarantee profit, but it was not the theory of McKinley and Dingley; it was not the theory of the old-time leaders of the Republican Party, who were always content to say, "We do not desire any tariff taxes levied higher than are sufficient to cover the difference in cost between production abroad and protection at home. Here it is demonstrated by our exports that there is no difference in cost of production at home and abroad except the ad captandum statement of these biased witnesses who gave no facts, no direct information, but merely recited the same old story that "wages are down in Germany and up here." That is not sustained by the facts. Aside from that, even if that were true, the manner in which the American factories are organized and equipped with machinery for the production of this class of manufactures overcomes any difference in the way of cost. The very reports of the Tariff Commission, which I hold in my hand, make that statement.

So, Mr. President, as I said last night, not only as to sewing machines and cash registers, but as to practically every article in this list, there is no justification for increased duties where the rates are increased, and there is certainly no justification for taking these articles off the free list and imposing upon them a tax of 25 per cent.

I should like at this point to call attention to one of the anomalies in this bill. When the present law was being considered in the committee of which I was chairman, linotype machines, which were in this paragraph and taxed at that time 45 per cent, were placed on the free list along with sewing machines and cash registers. The House Committee on Ways and Means left the cash registers and sewing machines and linotype machines on the free list. Everybody who is familiar with the linotype is aware that it is a highly complicated composing machine containing a vast deal of machinery difficult to manufacture and far more intricate than a cash register.

A great deal more labor is involved in its manufacture and it is vastly more difficult to produce. If my recollection is correct, when we placed them on the free list there was more competition, though not enough to justify a tax, in linotypes than there was in cash registers; and yet the present Finance Committee puts the tax back on sewing machines and cash registers. They are not afraid to tax the American woman who uses a sewing machine or the American business man who uses a cash register; but they leave linotype machines in the free list. I can not understand why except that possibly the committee which believes in protection for special interests were confronted by one adversary of whom they were afraid. They were not afraid of the women who use sewing machines; they were not afraid of the American business men who utilizd cash registers; but they did not dare challenge opposition of the great American press.

Therefore they left linotype machines properly on the free list and proposed to strike at that class of American citizens who they do not think have the power to strike back.

Mr. President, I hope that the motion of the Senator from Massachusetts [Mr. WALSH] proposing to remove cash registers from the dutiable list will be agreed to and that they will go back to the free list where they properly belong.

Mr. TOWNSEND. Mr. President, I realize how futile it is to talk to the Senate when there are so few in the Chamber. By talking I have not in view the political effect which my words may have, but I do wish to state the reasons for my vote on this particular item.

In the first place, I deny that this will be an additional tax upon the American people. It is a general statement always made by the opponents of protection, that whenever a tariff is levied it is paid by the American people. Of course that depends very largely upon whether or not they buy the foreign article upon which the tariff is levied. It is possible that they might pay for that particular item more than they otherwise would, but even that is not always true.

I contend also, Mr. President, that we have to raise about five billion dollars in taxes in this country; and if a portion of that is raised at the customhouse, as the Senator suggests, so much better for direct taxation upon the people themselves; but Mr. President, I wish to say just a word or two in reference to this particular item.

I think it is a proper protective duty. It is not asked for by the great National Cash Register Trust. It does not care for a duty. It has a monopoly of the market, and has had for some time. The National Cash Register Co. is practically a monopoly; it has been made for many years, and that without protection; so that was a monopoly which certainly could not be charged to the tariff. A number of years back some independent companies saw fit to start the manufacture of cash registers, all of a moderate price. As quickly as they entered into that business the National Cash Register Co. proceeded to employ means which were condemned by the court as improper for the purpose of putting these independents out of business. They succeeded in greatly disturbing them. They caused organizations and reorganizations and bankruptcies in some cases, but finally these companies got established.

The courts intervened and granted an injunction against the National Cash Register Co., prohibiting it from employing the methods which it had employed in the past; but that did not prevent the National Cash Register Co. from carrying out its designs. It established a plant in Berlin, Germany. It established the plant where it could employ the same priced labor that the German manufacturer employed—not American labor, not paying American taxes, not supporting the American Government, but manufacturing its goods under the low prices paid in Germany. We say that by doing that the decisions of the court can be avoided and indirectly the enjoined practices which were found disreputable and unmoral against its competitors in the United States could be continued.

Of course, the National Cash Register Co. can compete with the Germans and Europeans, employing the lowest-priced labor in western Europe; it can do that with its plant over in Germany without any doubt at all. It can also send its product into the United States, if there is no duty imposed on machines of low value, and absolutely destroy the independent competitors in the United States.

Another thing, Mr. President, ought to be borne in mind, if I am correctly informed, and I think I am. The establishment of the independent factories, when they got to doing business, reduced the price of cash registers to the people of the United States. That was the reason why this great trust wanted to put them out of business, and they were doing it until this order of the court.

It is also true that the great Krupp manufacturing concern in Germany, that was employed before the war and during the war in the manufacture of guns, is now employed in the manufacture of other machines, among them cash registers.

It stands to reason that with labor paid less than a quarter of what is paid in the United States it can enter the American market, and so far as these small concerns are considered, it will mean their destruction, and this will be pleasing to the National Cash Register Co. I do not know, I have doubts, about Germany being able to destroy the National Cash Register Co. I would not make a plea for a tariff to protect the National Cash Register Co. It does not ask for a duty. It does not care for one; but these concerns which our country is interested in building up, these legitimate competitive manufacturers, ought to be maintained here unless we are in favor of monopoly. The Senators on the other side and those who are opposed to a tariff generally have stated as one of their favorite arguments that the tariff encourages monopoly; yet here is a monopoly that would, by the establishment of its plant in Germany, make itself immune from the laws of the United States, and at the same time would nullify any tariff which might be placed upon goods abroad if no tariff is imposed.

So, Mr. President, knowing that few are listening to what I may say and that the argument is void, so far as affecting a vote is concerned, nevertheless I felt that it was my duty to say this much, because I understand what the situation is in reference to these independent concerns. You can put them out of business if you like; you can give the entire field to the National Cash Register Co. if you like; but I do not think it will be for the interest of the American people if you do, and I do not think it will be fair to the consumers, the users of cash registers in the United States; for I repeat that the moment these independent concerns became established, the lower-priced cash registers that are used by the merchants and dealers throughout the United States went down, and the price was lower to the people.

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

Mr. TOWNSEND. I yield.

Mr. KELLOGG. How many so-called independent companies are there manufacturing cash registers in this country?

Mr. TOWNSEND. There are three that I know of. There is the American Cash Register Co., at Saginaw; there is a cash register company at St. Louis—I have forgotten the name of it——

Mr. WILLIS. The St. Louis Cash Register Co.

Mr. TOWNSEND. And I think there is one at Detroit, Mich.

Mr. WILLIS. The Michigan Machine Co.

Mr. KELLOGG. What was the order to which the Senator referred in the National Cash Register case?

Mr. TOWNSEND. The court for the southern district of Ohio made an order on a complaint that was made, and it is in the RECORD. I am glad to give this information to the Senator. It is marked "Exhibit A" in the Senate hearings. It shows what the order was, a most sweeping one. I think the Senator from North Dakota placed it in the RECORD last evening.

I do not care to prolong the debate, Mr. President, because, as I said, I think it is futile. Few are listening and few care about the discussion.

Mr. WALSH of Massachusetts. Mr. President, this question was so fully debated last night that it is not necessary to take any more time; but I think perhaps we ought to enumerate the arguments advanced against this tariff duty and see what weight they are entitled to.

We are seriously asked to levy a tariff duty of 25 per cent ad valorem upon cash registers because some wicked trust has squeezed a little independent manufacturer of cash registers in this country; and in order to give relief to the independent company we are going to bestow a tremendous gift upon that trust. The time to have given relief to the independent cash-register company of Michigan was during the years the Republican Party was in control of Congress and was permitting trusts and monopolies, without any restraint or any law, to organize and flourish in this country. The harm has been done; the trust is here; and a 25 per cent ad valorem duty means more profits, means an increase in the prices which the trust and other manufacturers of cash registers will exact from the public.

There is no dispute about the facts here. No cash registers of any amount have been or are being imported into this country. This trust has manufactured in 40 years 2,000,000 cash registers; and because less than 100 cash registers have come in here from Germany we must increase to the hundred million of people in this country, at least as many of them as want to buy cash registers, the price of these cash registers from $100 to $200 apiece. It is preposterous. You can not defend this duty, and you can not blind the American people to the fact that in levying this tariff duty for the benefit of a small independent company—which, if you please, has been squeezed and abused by this monopoly—you are erecting a tariff wall that will keep every cash register out of this country and leave the public unprotected also against this trust.

As a matter of fact, the little independent company competes with the National Cash Register Co. only in one type, and there are five different makes. The only company that could compete with the National Cash Register Co. in the principal makes of cash registers is the German company, and it has only been able to get in here 90 cash registers.

Let me give you some astounding figures about the increase in the price of commodities in Germany. These figures have been given to me by a man who is willing to make an oath, to give an affidavit, as to the increase in the price of commodities in Germany in the last year. He has given me the quoted price of cash registers landed in New York, the price the importer has been expected to pay.

The style or type is what is known as No. 423, so anybody on this floor can inquire for himself as to whether these prices are accurate or not. The quoted import price of that article on July 1, 1921, was 12,000 marks, equivalent to $48 in gold. On August 8, 1921, one month later, it was 16,000 marks, or $64 in gold. On October 1, 1921, two months later, it was 20,000 marks, or $80 in gold. On November 2, 1921, it was 40,000 marks, or $160 in gold, an increase of 100 per cent between the October price and the November price last year. On March 3, 1922, it was 44,000 marks, equivalent to $176 in gold. On April 1, 1922, it was 56,000 marks, equivalent to $224 in gold, and on April 24, 1922, it was 62,000 marks, equivalent to $248 in gold.

The import price of this one type of cash register from Germany has increased from July 1, 1921, to April 24, 1922, only about nine months, from $48 to $248, about 600 per cent, and those figures are typical of every single article contained in this bill and every single commodity we are asked to fix a duty upon. How absurd, how ridiculous it is, to attempt to quote German prices of last August, September, or October, in view of the startling information contained in the figures which I have just given.

I only refer to that for the purpose of calling attention to the fact that Europe is finding itself; that the prices of commodities in Europe to-day, Germany included, are back to pre-war levels; and that we have no business to frame any tariff bill based upon the prices of cash registers or any other commodity last August. Thus we proceed to fool and deceive ourselves and make a bill that will be a laughing stock to the world as well as to this country.

The committee has proposed a rate of 25 per cent ad valorem on cash registers, so that no cash registers can come in here and the big monopoly in Dayton, Ohio, and three little independent fellows can have the field to themselves. How this committee can find a way of helping the little independent company in Michigan with this tariff duty and put out of business this monopoly is beyond my comprehension or conception. Quite a new idea—the way to destroy a trust is to give it a high protection.

Mr. CARAWAY. May I suggest to the Senator that the same argument is used by the proponents of this item that has been used by some of our good friends who say that whisky will make you cold in summer and hot in winter.

Mr. WALSH of Massachusetts. Mr. President, I quite agree with the statement of the Senator from Arkansas.

Mr. President, I urge the Members of this body to hesitate before they adopt this amendment. I want my Republican friends not to be put in the ridiculous position of trying to explain to every merchant, from the time this bill is passed until it is repealed, that their cash registers are, because of this tariff, going to cost about $200 more. I have not forgotten the argument made that the independent companies fear that the National Cash Register Co. is going to build a factory in Germany. Think how absurd that is, to say that they are going to build a factory in Germany and come into America and destroy their own factory and destroy their own investments of many millions of dollars.

If they build a factory in Germany and employ cheap labor and ship into this country the German-made cash registers, they will close up their factory in Dayton and put it out of business. They can not ship one cash register into this country without injuring their factory in Dayton, without depreciating the value of their stock. We have the statement of the manager of the company that they have no such intention.

The Senator from North Carolina stated the situation accurately yesterday when he said that when one rate after another in this bill has been challenged, the Republican majority have found themselves obliged to fly from one excuse to another, and the last one they produced is the statement that there is going to be a flood of American capital to Germany to build manufacturing plants. They told us that about sewing-machine plants.

I knew they would say that about this commodity, and that is why I took the trouble to telegraph the National Cash Register Co. If the committee had really wanted to make a tariff bill that would get the confidence of the people, they would have brought the representatives of the National Cash Register Co. before them and put them under oath and asked them questions to find out what the facts were. But I have talked longer than I had intended.

Mr. KING. I would like to ask the Senator from Massachusetts, before he concludes, how much of an increase there has been in the price of the domestic products of these cash register companies. What is the difference between the pre-war and the present prices?

Mr. WALSH of Massachusetts. I regret I can not give the Senator that information. It is most difficult, for this reason, that there are no two cash registers which are comparable. They are constantly changing the style and character of the machine so as to put new machines with new patents upon the market. I would say to the Senator that the average price of the machine most in use, I am informed, is between four and five hundred dollars, but the National Cash Register Co. sells most of its machines to department stores, to those who buy the highest type of machines and the best machines, and the prices for those machines go up as high as $2,000—from $400 to $2,000.

I think the Senator will bear in mind that in the discussion last night it was brought out that the National Cash Register Co. does not make the same machine in Europe that is made in America. It is a different type of machine, and it looks to me as if that was done so that no comparison could be made between the foreign prices and the American prices. It looks to me as if it was to prevent the argument being used, what

we know to have been the fact in the past under Republican tariffs, that sewing machines and plows, and possibly cash registers made in America, were sold in London and Paris and other European markets cheaper than they were sold to the American people. The Senator knows it.

I have no time further to contribute. I ask for the yeas and nays upon this amendment offered by me.

The yeas and nays were ordered.

Mr. WILLIS. Mr. President, as I was unavoidably absent from the Chamber during most of this discussion, which has involved a great concern in my State, I feel that I ought to say only a word.

I am very familiar with the National Cash Register concern. I think it is only fair to them to say that, so far as I am concerned, at any rate, they have never made any request at all for this duty. I do not want Senators to get the idea that the duty reported by the committee was fixed at the request or suggestion of the National Cash Register Co. At any rate, they have never indicated anything of that kind to me. But I do say that from the general standpoint of the protective principle, in which I most sincerely believe, it seems to me that the rate proposed by the committee is a fair one.

There have been charges of monopoly in this line of business in the country. I shall not now discuss those, but if those charges be well founded, it appears to me to be highly desirable that the independent concerns which are building up the competitive industry should have a chance to live here.

The cash-register business of this country furnishes employment to some twenty-five or thirty thousand people. It is my recollection that Canada and Mexico have a tariff against the importation of cash registers from this country. I know that Germany has a tariff, which she has recently increased materially, and in view of the fact that there are at least three independent concerns manufacturing cash registers in this country, and in view of the further fact that we know that conditions in Germany make possible production at a very much lower labor cost, it seems to me the rate proposed by the committee, 25 per cent, is a very fair one, and I shall support it, although I repeat that no suggestion or request has come to me from the National Cash Register Co., and I do not think they are interested in this rate at all.

Mr. KING. Mr. President, the argument just made by the able Senator from Ohio is a most astounding one, if I correctly interpret his meaning. He takes the position that we should lay a tariff upon cash registers because there is a monopoly, and in order to help strangle the monopoly at home we must impose a heavy tariff duty upon imported products.

That is the acme of Republican illogicalness and absurdity. We build up monopolies in the United States by tariffs, and then must perpetuate the tariffs in order that possible competition may ultimately be developed among the domestic producers.

Mr. WILLIS. Does the Senator contend that the alleged monopoly enjoyed by the National Cash Register was built up because of the tariff?

Mr. KING. I aver, as was stated by an eminent Republican, that the tariff is the mother of trusts. I know that some of our Republican friends smile in derision when that statement is made, and yet we find that the inordinately high tariff, which prevented competition from abroad, resulted in the domestic producers forming trusts or combinations or organizations so powerful and dominating as to control the prices of the domestic products. I think that the history of our industries will demonstrate that many trusts and manufacturing organizations have assumed monopolistic proportions in the domestic market, because they were buttressed behind high-tariff walls. Tariffs are designed to increase prices; to enable the domestic producer to charge more for his products. Republican tariffs are usually dictated by trusts or giant organizations that wish to maintain high prices and make enormous profits.

Take the Steel Trust as an illustration. The evidence conclusively establishes that it can produce its products at from two to five or six dollars a ton cheaper than any independent steel company in the United States. However, it fixes prices agreeable to the steel producers, and all have made enormous profits. And yet this bill carries tariff rates upon steel products. It is designed to prevent any possible competition, so that it may maintain high prices. I repeat, tariff walls aid domestic producers to exploit the people and develop trusts and monopolies.

Adam Smith perceived in his time that whenever competition from abroad was prevented and permission granted for the domestic manufacturers to get together they would get together, and the result would be an enhancement of prices to the consumers. So the Republicans now are driven to defend this iniquitous bill, the particular irrational schedule which we are now discussing, upon the theory that we have built up a monopoly, the cash-register monopoly, and now, to encourage it not to be too oppressive, we will lay a heavy tariff. The theory is that if we keep out foreign products the domestic monopoly will be a little generous with the people, for fear that it may provoke some one to enter the field against it. The idea is to fight monopolies by strengthening them. If there ever was a preposterous, absurd, and illogical argument in favor of the tariff, it has been offered by the distinguished Senator from Ohio.

Mr. WILLIS. Mr. President——

Mr. KING. I yield.

Mr. WILLIS. The Senator is overlooking the fact that under the present law cash registers are on the free list. So his argument falls to the ground.

Mr. KING. I was merely stating the argument the Senator made.

Mr. WILLIS. And I am stating the argument which the Senator from Utah is making.

Mr. KING. The Senator from Ohio has defended a tariff of 25 per cent ad valorem upon the ground that we have a monopoly here.

Mr. WILLIS. I never admitted in the discussion that we have a monopoly. I did not discuss that. I was not taking that as the basis for discussion. I thought we had better not go into that, because it would involve a good deal of discussion. But the Senator alleges that there is a monopoly, and if there be a monopoly, evidently it has not grown up by reason of a protective duty, because the article is not on the protective list but is on the free list.

Mr. KING. I shall not permit my good friend to escape from the dilemma in which he has placed himself. He adverted to the fact that there was a charge of a monopoly upon the part of the National Cash Register, and he offered as an excuse for the tariff that if there were a monopoly it might encourage domestic competition or, to use his expression, the "independents," if we would impose a tariff, and therefore he said he would vote for 25 per cent ad valorem because he conceived that to be fair.

Ah, Mr. President, we are running the gamut from absurdity to ridiculousness in defense of the schedules found in the bill and the tariff rates fixed. When our Republican friends can not point to an industry as being an infant industry, when they are driven from that because it is a monopoly, and when it is shown that there is nothing in the question of the cost of labor, or that the disparity is so little and the disparity in the price is so great that the labor cost does not figure, then they are driven into the realm of speculation and imagination and absurdity for some alleged justification for their tariff rates.

My good friend from Ohio has come to the rescue of the Republican Party now, as he came to the rescue of the Republican Party in the Newberry case by offering the remarkable resolution which will bear his name for all time, and suggests that we must lay tariff duties now because, if there are trusts in the United States and if we impose tariff duties, it may perchance encourage some independent to fight for their lives.

Well, we are learning. When the wise man said there was nothing new under the sun, he did not visualize the able and distinguished Senator from Ohio. He never heard of Republican tariffs. He never heard and never dreamed in his prophetic moods of the ingenuity and skill and the subtlety and illogicalness of the modern Republican, as his brand is found in the Senate of the United States in the year of our Lord 1922.

Ah, Mr. President, the tariff bill is not only iniquitous and exceedingly ugly in its horrible deformities but it is the most illogical and monstrous economic proposition that has ever been given birth in any civilized or uncivilized country. No language can be found properly to characterize the rates which we find in this tariff bill. Why not be honest, Mr. President; why do not our Republican troglodyte friends who are defending the bill come out frankly before the public and say, "The Republican Party was elected by the trusts and the monopolists and the gougers and the profiteers, and the Republican Party is going to pay its debts? The Republican Party is going to be honest for once. It is going to keep one promise that it made, not to the people, it is true, but the promise which it made to the profiteers and the corporations and the trusts which are robbing and plundering the American people."

But when they offer these pretexts, these tenuous, illogical arguments that are submitted in defense of it, all fair-minded men at once will inquire as to the reasons for such a remarkable measure—one which on its face seems to bear the stamp of the trust and the profiteer.

Mr. President, I warn Republicans if they put a tariff on cash registers upon the arguments which have been submitted, they will be compelled, if consistent, to perpetuate these high-tariff rates upon every domestic product, because the domestic manufacturer will threaten, or pretend to threaten, to go across the sea and erect a plant, or threaten to erect a plant for the manufacture of the domestic article upon which he wants a prohibitive tariff. The only excuse needed for prohibitive tariffs is that we have trusts in the United States, and if we do not give them what they want they will go to Europe and engage in business in competition with their own American enterprises.

What a sound and statesmanlike argument that is! And yet it is offered by Republicans in support of this bill.

I called the attention last night of the Senator from North Dakota [Mr. McCUMBER] to the Carbide Trust. I am going to tell the Senate something about the Carbide Trust before we get through with it, a trust with which Mr. Herrick, a leading Republican, is connected. It is not prosecuted, there is no proposition to proceed against it, although it is a trust. I called attention to the fact that that trust a number of years ago, when it had an agreement with some manufacturers in Europe to divide some of the markets of the world between them, and the agreement did not work out just as desired, erected a plant in Sweden for the purpose of producing carbide, but not a pound was manufactured. It was a bluff, first, with respect to European producers, and, secondly, the American market.

When we come to discuss the carbide schedule in the pending bill I have no doubt that my Republican friends upon the other side, following the illogical argument of the Senator from Ohio, will say, "Oh, well, the Carbide Trust, it is true, has control of the American market, but let us encourage some independent manufacturer by levying a high tariff. Moreover, if we do not do it, the Carbide Trust, which has a plant over in Sweden, will manufacture carbide and introduce it into the United States." That will be the argument used then, as it is used now, in defense of the rates upon cash registers. Everybody knows that Germany, in the production of cash registers, being compelled, as she is compelled, to go abroad for her raw materials, or substantially all of them, that enter into the production or manufacture or fabrication of cash registers, knowing that she is compelled to go abroad for the primary materials, can not compete with this long-established, economically administered plant operating in the United States.

A tariff rate on this product is tantamount to a steal. Let us use proper language and call a spade a spade. It is not a proposition to give a tariff. It is a proposition to rob the public for a trust. It is a proposition to enable the Cash Register Trust and a few other concerns in the United States to further rob and despoil the American people. Let the Republicans defend it if they can here. They can not defend it before the American people and they will be rebuked for their devotion, as shown by this bill, to special interests and unworthy organizations and corporations.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the junior Senator from Massachusetts [Mr. WALSH] to the amendment of the committee, upon which the yeas and nays have been ordered.

The Assistant Secretary proceeded to call the roll.

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the Senator from Massachusetts [Mr. LODGE] to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

The roll call was concluded.

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Maryland [Mr. WELLER] and vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR];

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

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

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 27, nays 32, as follows:

YEAS—27.

Ashurst	Jones, N. Mex.	Norris	Smith
Capper	Kellogg	Overman	Swanson
Caraway	Kendrick	Owen	Underwood
Culberson	King	Pomerene	Walsh, Mass.
Harris	La Follette	Robinson	Watson, Ga.
Harrison	Lenroot	Sheppard	Williams
Heflin	Myers	Simmons	

NAYS—32.

Brandegee	Jones, Wash.	Newberry	Spencer
Bursum	Keyes	Oddie	Sterling
Cummins	Ladd	Page	Sutherland
Curtis	McCormick	Pepper	Townsend
Elkins	McCumber	Phipps	Wadsworth
France	McKinley	Rawson	Warren
Gooding	McLean	Shortridge	Watson, Ind.
Hale	McNary	Smoot	Willis

NOT VOTING—37.

Ball	Edge	Lodge	Reed
Borah	Ernst	McKellar	Shields
Broussard	Fernald	Moses	Stanfield
Calder	Fletcher	Nelson	Stanley
Cameron	Frelinghuysen	New	Trammell
Colt	Gerry	Nicholson	Walsh, Mont.
Crow	Glass	Norbeck	Weller
Dial	Harreld	Pittman	
Dillingham	Hitchcock	Poindexter	
du Pont	Johnson	Ransdell	

So the amendment of Mr. WALSH of Massachusetts to the amendment of the committee was rejected.

Mr. McCUMBER. Mr. President, I move to amend the committee amendment on page 83, paragraph 372, line 22, after the words "ad valorem," by striking out the words "printing presses, not specially provided for, lawn mowers and."

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota to the committee amendment.

Mr. ROBINSON. Mr. President, printing presses, as I understand, are now taxed at the rate of 15 per cent ad valorem. I ask the Senator from North Dakota what is the provision concerning "printing presses not specially provided for" in the House bill?

Mr. McCUMBER. Mr. President, they go into the basket clause.

Mr. ROBINSON. What rate do they bear—35 per cent?

Mr. McCUMBER. Under the Fordney bill they would bear 35 per cent, but under the amendment I have offered they would bear 30 per cent.

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

Mr. ROBINSON. I will yield to the Senator in just a moment. Under the House bill, as I understand, the rate would be 35 per cent.

Mr. UNDERWOOD. The latter part of paragraph 393 of the pending bill, as reported by the committee, reads as follows:

> if composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, pewter, zinc, aluminum, or other metal, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, 35 per cent ad valorem.

The rate of 35 per cent as provided in the Fordney bill has been increased by the Senate committee to 40 per cent ad valorem. The Senator will find what I have quoted on page 91. It seems to me that if the clause is stricken out, paragraph 372, printing presses, will fall in the basket clause, which would involve an increase of the tax on printing presses from 35 per cent ad valorem, as now provided in the bill, to 40 per cent.

Mr. McCUMBER. May I correct the Senator? The basket clause under which the printing presses would fall is found on page 84, line 5, and reads as follows—

> all other machines or parts thereof, finished or unfinished, not specially provided for 30 per cent ad valorem.

Mr. ROBINSON. Mr. President, it is apparent that the effect of the amendment proposed by the Senator from North Dakota will be to decrease the rate on printing presses from 35 per cent ad valorem under the pending amendment to 30 per cent ad valorem under the basket clause contained in line 7 on page 84.

Mr. McCUMBER. I can not quite understand the Senator.

Mr. ROBINSON. I say the effect of the amendment now proposed by the Senator from North Dakota will be to decrease the rate on printing presses from 35 per cent ad valorem, as is proposed in the amendment of the committee on page 83, to 30 per cent.

Mr. McCUMBER. Yes; it is a decrease from 35 per cent to 30 per cent, as printing presses would fall under the basket clause.

Mr. ROBINSON. I do not believe that that decrease is adequate. While I appreciate the very small diminution in this

rate which is now proposed to be made by the committee, I shall before taking my seat submit an amendment to the amendment of the Senator from North Dakota which will reduce the rate on printing presses very materially. Under existing law the rate is only 15 per cent ad valorem.

There is very little information respecting this item furnished the Senate in the summary of tariff information provided by the Tariff Commission, but on page 505 I find the following statement:

The production of printing presses in 1914 amounted to $8,396,508, the output of 88 establishments.

On page 506 it appears that the imports of printing presses were $88,301 in 1914 and $3,305 in 1917. Later figures found on page 507 are approximately as follows: Of printing presses for the year 1918 the number imported is not stated, but their value is stated at $22,118, and the revenue collected at 15 per cent was a little over $3,000. In 1919, 171 printing presses were imported, valued at $20,999, and the duty collected was $3,150. In 1920, 58 were imported, valued at $18,994, and the duty collected was $2,849. For nine months of 1921, 63 were imported, valued at $22,126. The amount of the duty is not stated.

With respect to machine tools, which under existing law bear the same rate as printing presses, I find that importations are comparatively small. Imports of machine tools were $306,096 in 1914 and $100,685 in 1915. On page 506 of the book of tariff information is found a summary of information respecting importations of machine tools, substantially as follows: In 1918 the value imported was a little over $300,000; in 1919 a little over $139,000; in 1920 it rose to something more than $432,000, and in nine months of 1921, $178,546.

In view of the very large production and the comparatively small importations I think that a rate of 30 per cent can not be justified. Certainly it is not sustained by any information which has been brought to the attention of the Senate; and the same is true in a larger degree, of course, of the rate proposed in the pending amendment, 35 per cent.

In order to test the opinion of the Senate on this subject, I move to amend the amendment of the Senator from North Dakota, which is a motion to strike out, by making it a motion to strike out and insert, as follows: Strike out the language in the paragraph and insert the same language, with the exception of "15 per cent" in lieu of "35 per cent."

Mr. McCUMBER. Mr. President, while I think that possibly under the rules, as I have made a motion to amend, an amendment would be an amendment in the third degree, I think we can reach the matter in this way——

Mr. ROBINSON. I think that is forceful, although my motion to strike out and insert probably would take precedence of a simple motion to strike out; and the Senator, in order to give me a vote upon my proposed amendment without parliamentary question, will withdraw his amendment for the present?

Mr. McCUMBER. Yes; I was going to suggest that I would withdraw my proposed amendment at the present time, so that the Senate can have a vote upon the amendment offered by the Senator.

Mr. ROBINSON. Very well. I thank the Senator from North Dakota, because if his amendment were agreed to the probability is that there would be no opportunity for testing the opinion of the Senate; and, as I have already stated, I think we ought to have a vote on this proposal. I do not believe there is any ground whatever for justifying any increase in the present rate. I would rather see printing presses placed upon the free list than to impose an unnecessary increase in the existing rate. The present rate is adequate; and therefore I move to strike out "35," in line 24, and insert "15," and on that I shall ask for the yeas and nays.

Mr. McCUMBER. Mr. President, I desire to say, in reply, that I do not anticipate, at least, that there would be any great danger of importation of foreign-made large printing presses that are used in this country. I refer to newspaper presses. We, of course, make a standardized machine in this country. We possibly make it as cheaply as it could be made anywhere else. There are quite a number of little machines of a very much lower price scale that can come into the country, and do come into the country, and while they would not compete to any extent with our machines at the same time they would furnish us a little revenue, possibly; and, as I have stated many times, we are looking for revenue wherever we can get it, even though there may not be any danger of serious competition.

Mr. ROBINSON. Mr. President, will the Senator permit me to make an inquiry in that connection? Have the committee or the Senator from North Dakota investigated the maximum revenue rate with respect to printing presses, and determined what that will be?

Mr. McCUMBER. There is very little coming in; I will admit that, and the revenue would be very small. I will also admit that.

Mr. ROBINSON. So that as the rate now exists—15 per cent—the importations are so small that the revenue is negligible, or comparatively so; and if the rate were increased the probable result would be to tend to prevent importations, or diminish the number of presses brought in.

Mr. McCUMBER. Even if we had the imports of 1923 upon a 30 per cent basis, we would get about from $16,000 to $18,000, and, of course, it takes a great many of those to amount to a million dollars; but this bill covers a wide range, as all tariff bills do, and, taking all of these little matters together, they mount up to quite a sum, and that sum will be needed.

I wanted especially, however, to call the attention of the Senator to this matter so that he may consider it, if he desires to, from the protection standpoint. As I say, in my opinion it is not going to interfere to any extent with those presses which we make here of a standard type and which are rather costly, but I notice by the Reynolds report that we took four invoices of printing presses. They came in from Germany. The average German price was $290.60. The landing charges were $28.64. The selling price of this imported article in the United States was $572.50. The selling price of a comparable domestic article was $606.25. The rate, therefore, required to equalize, allowing a reasonable profit—and the reasonable profit is 25 per cent—would be 57 per cent. The rate we would give here would be 30 per cent, so, of course, it would not be sufficient to cover that; but I am of the opinion that as business revives there will undoubtedly be more imported into the United States. Certainly there will be, in my opinion, if the present high prices in the United States continue; and to what extent they may go down, of course, none of us can say with absolute certainty.

Mr. ROBINSON. Of course the present high prices might be reduced without working any detriment to the public generally. At least I have never understood that when prices become excessive it is consistent with the policy of protection to use tariff rates as a means of maintaining those prices. Protection is justified, if I understand it correctly, on the theory that the industry which it serves is unable to prosper without it if unrestricted competition is permitted, but that principle can not be applied in the case of any commodity or any industry which is already overprosperous.

If the prices being charged for printing presses are to high, that affords a justification for reducing the tariff rather than for increasing it, because upon no theory of protection that I am familiar with should tariff rates be used to permit an industry to receive excessive profits, the object of a protective tariff being to enable an industry to thrive or to live in spite of competition which, but for the protective rate, would destroy it.

Mr. McCUMBER. Mr. President, the Senator's argument would have been exactly in line if we had given a rate of 84 per cent, because, as I state, 84 per cent would measure the difference; but when we give 30 per cent we have made allowance for a very considerable reduction in price, and therefore we are not maintaining the present high price.

Mr. ROBINSON. But may I point out the fact that under the present rate, which is low—15 per cent—there are substantially no importations. Prices in the United States are already excessive; at least, they are high enough.

Mr. KING. More than double, I have been advised by the Tariff Commission.

Mr. ROBINSON. Yes; and therefore this industry can not need protection. There is no justification for it. If you justify the rate at all you must justify it on a revenue basis; and I believe that the effect of this very large increase in the rate would be to shut off the small amount of importations that we are now receiving and to diminish the revenues rather than to increase them.

Therefore I ask for a vote on the amendment to reduce the rate to 15 per cent.

Mr. LENROOT. Mr. President, I voted against the committee on a number of items yesterday and to-day for the same reason that I will vote for the amendment now proposed by the Senator from Arkansas.

Upon the items upon which we have recently voted the figures have shown that our imports were nominal and our exports were very large. Wherever that condition exists I can not justify voting for an increased rate over existing law; and in this particular case, where the imports in 1920 in the case of printing presses were only $18,000 in value and our exports

were over $6,000,000, I can not justify voting for doubling the rate upon printing presses.

The Senator from North Dakota admits that from a protection standpoint the increase is not necessary, but he says the committee is proposing it as a means of securing additional revenue. But, Mr. President, if the imports on a 15 per cent basis amounted to only $18,000 in a year, furnishing a revenue of $2,800, how does the Senator think that doubling the rate will produce a larger revenue? Under these circumstances, doubling the rate will simply mean that there will be no imports at all, and the increased rate will mean a loss of revenue, not an increase.

So, Mr. President, I propose throughout this bill, wherever the figures show that our imports of a commodity are nominal and our exports of that commodity are very large, to vote against the committee on increasing rates over existing law.

Mr. SIMMONS. Mr. President, I am very much delighted to hear the Senator from Wisconsin [Mr. LENROOT] make the statement which he has just made. It is, to my mind, the only sane view of the situation which has confronted the Senate during the last two days, when we have had before the Chamber item after item of which the imports were absolutely negligible while the exports were very large. That situation itself would seem to be abundant answer to the contention of the committee that an increase in present duties is necessary to afford protection to the industry. Heretofore, in the consideration of tariff bills, whenever this situation could be shown to exist with reference to any item in the bill, it was always considered to be a complete negative answer to any claim for an increase in the rate prevailing at the time when the imports vanished and the exports accumulated. But such an answer, truly crushing as it is, has seemed to have very little effect in the discussions of items in the pending bill.

Day after day, on item after item, we have been able to show from the official records the condition which the Senator from Wisconsin now says will impel him to vote against the committee increase. In almost every case the committee has admitted the facts, both with reference to imports and exports, and with reference to the large volume of domestic consumption and production; but, notwithstanding that, on one pretext or another they have brushed away this conclusive argument against their proposition, and, to my amazement, when the votes have been taken, not all, I am glad to say, but a large percentage of the Senators on the other side of the Chamber have voted to sustain the action of the committee. It is a very anomalous situation. It is a condition which has never existed heretofore when we have considered tariff bills, and I have been at a loss to understand it.

And, Mr. President, I do not understand why the majority of the committee, who are assumed to have had these facts before them at the time they wrote these rates into the bill, should have ignored this all-important factor in the framing of these amendments to the bill.

As I have said here before—and I can not repeat it too often—I have been unable to find any reason for this action of the committee except a yielding to the insistent demands of the manufacturers, and I have been unable to understand why the manufacturers made those demands, except upon the theory that, having raised their prices already to the top of the tariff wall, they have felt that it was absolutely necessary to have that wall raised still higher in order to enable them to raise their prices without danger of foreign competition. If there is any other explanation of the reason why the manufacturers, who have been for the past seven or eight years absolutely exempt from foreign competition, under the rates of the present law, should be insisting upon these increases, in the face of the fact that there are no imports, but that there are great exports, it ought to be given. To my mind the committee's action can not be explained on any other theory than that it is for the purpose of giving the manufacturers and profiteers an opportunity to further advance their prices and protect them against foreign competition.

In addition to that, this situation develops a very important fact, a very significant fact, with reference to these rates which has been developed here before. The Senator from North Dakota tells us the price of foreign printing presses when landed here, with profit added, and the profit that is added, we were told yesterday, is 25 per cent, so that the foreign price, plus 25 per cent for overhead and profit, is the price with which the American selling price is compared. That comparison would be justified provided the committee had ascertained that the American selling price does not carry a profit above 25 per cent.

But while arbitrarily fixing that profit for the foreign article, has the committee ascertained that the selling profit of the American jobber and wholesaler is only 25 per cent? Does anyone believe that the American wholesale profit upon the items we have been discussing for the past two days, machines, guns, automobiles, and articles of that character, is only 25 per cent?

The Senator from Utah insists that we should compare the foreign price with the manufacturer's price, and yet he is comparing it with the importer's price, and the importer is the wholesaler. The importer is not the manufacturer of foreign articles; he is the wholesaler of the foreign articles. The manufacturer is not the wholesaler of his articles. He makes a profit. He sells to the wholesaler, who takes the place of the importer with reference to the foreign article, and he adds his profit. I undertake to say that the wholesaler's profits with reference to articles of this character in this country to-day, instead of being 25 per cent, would be more nearly 75 per cent, and to compare the foreign price, with 25 per cent added to it, with the American price, carrying from 50 to 75 per cent profit, is not a fair way of ascertaining the difference between the selling prices of the articles.

Mr. SMOOT. I would agree with the Senator, but the price of the foreign comparable article is compared with the price of the American manufacturer, not with the price of the jobber.

Mr. SIMMONS. Then, why in your calculations are you telling us about the profits?

Mr. SMOOT. The price we compare is the price of the foreign goods coming into this country.

Mr. SIMMONS. Then let us abandon the idea that these things are bought by importers and sold by importers in this market and assume that all the foreign articles are sold with no profit added except the manufacturer's profit, and that the American prices with which you are comparing them are only the manufacturer's prices. Let us take that to be the theory. I do not want to get into any controversy with the Senator about a matter of that sort, because the argument I made applies with as much force to one case as to the other case.

Mr. SMOOT. Mr. President, the Senator had better not say that, because if we had a manufacturer's cost, with 75 per cent added, or 25 per cent added, or any other per cent added, then the difference between the foreign price and the price of the comparable article in the United States would be greater. The Senator knows that.

Mr. SIMMONS. The Senator says I ought not to say that. I do say it. I say that they have taken the foreign manufacturer's price and the American manufacturer's price. We have not been comparing the prices of the industrial countries of Europe with the prices in America; we have been comparing almost exclusively the prices in Germany with American prices, and we have been told that the profits which are being made in Germany are very, very low, that the labor costs but little, and that the manufacturer makes but slight profit. That is the theory upon which they have attempted to sustain the idea that German prices are far below the prices of the other industrial countries of Europe, with cheapness in production and smallness in profits prevailing in those countries.

When we come to compare those with American manufacturers' prices, is there anyone in this body who will stand here and, in the face of the American people, in the face of the well-known fact with reference to prices charged in this country by manufacturers, deny that the manufacturers' prices and profits in this country are not only large but are exorbitant in many lines of industry, and especially in the lines we are now talking about—automobiles, guns, and machines? They are so very large that the people of this country with one voice are crying out against them, and we find the committee with one voice crying out against the low prices of German products.

So you are comparing prices against which the American people are protesting and clamoring as unconscionable, as unjust, as oppressive, with prices these gentlemen are telling us are so low that they enable the country of their production to undersell the world, and to undersell us, who are the cheapest producers of most products that are manufactured in the world, as is shown by the fact that we are rapidly capturing the markets of the world, capturing them even against Germany. We are doing that to-day. We are doing that in South America to-day. We are meeting Germans in competition in South America to-day in the sales of machinery, in the sales of all varieties of products, locomotives, iron, and steel; we are meeting them in South America to-day upon absolutely equal terms, and we are underselling them.

But that does not mean that we are charging the South Americans exorbitant prices. It means that the American manufacturers are charging the domestic consumers in this country extortionate prices, and by reason of the big profits they are making out of the American consumers they are able

to sell their products to the foreigner for a price much lower than they sell the same products to the American people. Yet, in the face of that situation, you come here and say that the great organizations which are carrying on that sort of world trade ought to have further protection in the American market, and ought to be afforded a further opportunity to control prices and be secure from foreign competition.

Mr. McCUMBER. Mr. President, of course I can not argue this case with the Senator from North Carolina because we look at these matters from entirely different standpoints—I as a protectionist, he as a free trader, or the equivalent of a free trader. Therefore we can not meet on any kind of common ground. But I think if the Senator from Wisconsin [Mr. LENROOT] and I, who are both protectionists, understand exactly the same facts upon which any matter is based, there will be very little difference in our conclusion as to what would be a proper protection. I do not, of course, attempt to convince the Senator from Wisconsin that we have not reached a normal condition either in this country or in Europe. I anticipate that he thinks we have reached a condition which is more nearly normal, both in Europe and in this country, than I think we have reached. I do not think we are even beginning to approach a normal condition.

We have to frame the bill upon the assumption that conditions will change, and change in the near future. Of course, if we had reached a normal plane, then I would say that if upon any article which we produce there is almost nothing coming in and we are exporting considerable we certainly do not need any protection. But the first thing I would ask myself, the first thing toward which I would direct my inquiry, would be whether we are both considering the same thing, because we may export a standardized machine that may be worth $3,000, $5,000, or $10,000, and we may not be exporting a single one of the little hand or trade machines for the printing of cards, circulars, and so forth. They may be two entirely different propositions. We may be importing one kind, while we are not importing at all the other kind, and may be exporting the other kind. Now, I think that is exactly the situation in the United States and in Germany.

The only thing that can guide us at all in determining what we may possibly expect is to look over the field, say from 1910 to 1914, a period in which we were as nearly normal as we can expect to get, at least in a good many years to come. The Senator from Wisconsin just made the statement that if we could get only a small revenue from a duty of 15 per cent, therefore we would receive no duty whatever if we raised it to 30 per cent. I invite the attention of the Senator from Wisconsin to that particular point.

In 1910 we had a law which imposed a duty of 30 per cent ad valorem. We imported under that law in 1910, $30,000 worth and received a duty of $9,000. In 1911 we imported $28,343, and in 1912, $31,319. Now notice how they are growing under the 30 per cent ad valorem. In 1913 they jumped up to $54,000 with a 30 per cent ad valorem duty—that is, for the fiscal year ending June 30 of that year. So it would be seen that with an ad valorem duty of 30 per cent, double what it is now, we were receiving a great deal more in imports than I think we are receiving just at the present time, and in addition thereto we were getting about five times the amount of revenue therefrom.

Let us come down to the next year, when we had a 15 per cent ad valorem duty. Our highest importations were $81,000, but we only got $12,256 revenue, while in 1913 we got $16,323 revenue on importations only about two-thirds as great. So I believe that inasmuch as there was a very rapid and steady increase under normal conditions, when those normal conditions return we will continue to get a steady increase under the 30 per cent, the same as we did under the ad valorem rate of 30 per cent during the operation of the Payne-Aldrich law.

So, Mr. President, I believe that we ought to give greater consideration to the fact that our principal competitor is not yet upon her commercial feet. In the first instance, all her ships were taken away from her and she had to depend entirely upon the ships of a foreigner. She is now building light, inexpensive ships for her commerce, and building them at an enormous rate. She is preparing to-day to meet her enemies in the commercial field as she met them at the beginning of the war in overwhelming numbers on the battle field. Without a mighty army to maintain, without the necessity of being at the enormous expense of increasing her navy to meet that of her enemies, with her low wage scale, with every man and woman working 8, 10, and 12 hours a day, she will be in better position to challenge every other country in the world for supremacy in the world's market. I think we ought to give grave weight to these conditions.

If the Senator from Wisconsin and myself disagree upon any matter, it is rather upon the matter of whether or not there is this danger in the near future irrespective of the fact that we are receiving almost no importations to-day.

Mr. LENROOT. The Senator from North Dakota is correct as to where the line of our disagreement lies, except that I do not agree with the Senator from North Dakota that there is danger of Germany becoming more efficient and sending more of her goods to us. But, Mr. President, there are no importations of this article now. A 15 per cent duty will take care of that in part. So far as duties based wholly upon the theory of the future are concerned, as I have said before upon this floor, they are supposed to be the object of the provision in the bill that we will come to later on, which will enable the President under certain circumstances to increase the rates fixed in the bill a maximum of 50 per cent, and in certain cases to apply the American valuation. If that is not the purpose of that provision, then I do not know why it was put in the bill at all. So I am not in favor of trying to translate into figures in the bill at this time all the possibilities which may occur in the future, because that has been taken care of in another part of the bill.

There is another thing which should also be borne in mind when a comparison is made between conditions now and conditions prior to the war. While it is true, I believe, that Germany, because of her lower wage, is producing to-day at a less cost than she did produce prior to the war, it must be remembered too that there is an export tax of 12 per cent on everything that Germany sends out, and when we make a comparison prior to the war with a rate that is being fixed in the bill now it is exactly the same as if the rate under discussion were fixed at 27 per cent if there had been no export tax in Germany.

All of these things must be taken into consideration. I wish to repeat that wherever the figures show that although the imports are small they are increasing, and if they are substantial, I am willing to take that as an indication of what will happen in the future and vote for liberal rates to take care of that situation. But where under a given rate there are practically no importations and very large exportations, and provision is made in the bill to take care of the future, I am not willing to vote for such rates as now proposed on this particular item.

Mr. KING. Mr. President, it is obvious that where tariff rates are laid when there are no importations they can not be justified upon the ground of revenue. They can not be defended upon the theory that infant industries are to be protected, that the difference in labor costs at home and abroad are warrants. If there are no importations then obviously there is no ground for the imposition of a tariff. Why, then, with respect to thousands of items in this bill are there tariff rates? The evidence shows that there are hundreds and thousands of commodities which if imported at all are in quantities so negligible as to be denominated nil.

I called attention the other day to the fact that there are 5,000 items embraced within one schedule, the importations of which were less than $100 each in the year 1914, and yet the schedule fixes rates upon those articles of 50 and 60 per cent ad valorem plus specific rates. What is the reason for this? The reason, of course, is to give domestic manufacturers a complete monopoly, to enable them to increase their prices beyond the limits of fairness and honesty.

If the position of the junior Senator from Wisconsin [Mr. LENROOT] had been the basis of the formulation of this tariff bill, Mr. President, our Republican friends could have gone to the country in a much stronger position and much of the argument which has been made and the criticism in which we have indulged would have fallen upon deaf ears. The Republicans have furnished the Democrats and the opponents of this bill arguments against the bill itself which may not be refuted. If our Republican friends had had the wisdom of the junior Senator from Wisconsin, or had manifested the same sagacity which has been exhibited by the Senator from Nebraska [Mr. NORRIS], or had shown any spirit of progressivism or toleration or sanity in the drafting of this tariff bill, the result in the coming election might be entirely different.

Mr. President, the Senator from North Dakota speaks about conditions being different now from what they were in 1914 and anterior to that time, and because conditions now are different from the conditions then, he justifies these extortionate rates. If the Senator from North Dakota would view the question, according to my conception, in the fair and logical and proper light, he would have seen that the progress toward normal conditions makes these high rates less defensible; in other words, the conditions in September, when the Reynolds report was drawn and which seems to have been taken into consideration in the framing of the tariff bill, are not the conditions

which exist to-day; they are not the conditions which will exist to-morrow or when this bill shall go into operation. Every day as it passes changes the conditions, and changes them to the advantage of the American producer, and under this bill fortifies him against the legitimate demands of the people for reduced prices. This bill seeks to preserve war prices and war profits. It places a weapon in the hands of the domestic manufacturer to wound and hurt the American people.

If the Senator from North Dakota desires to put into application rates that would more nearly be justified by the conditions of 1914 he would have to greatly reduce the rates found in this bill; he would have to take into account the fact that every day the changes in Germany result in increased prices of production; and yet the Senator from North Dakota is carrying into peace times and into the future the conditions of 1915, 1916, 1917, 1918, 1919, and 1920, and of September last, notwithstanding prices in Germany are mounting, that labor costs are rising, and the industrial condition generally shows a complete response to the advancing prices in all avenues of life and business.

Mr. McCUMBER. Will the Senator allow me to interrupt him?

Mr. KING. I yield.

Mr. McCUMBER. I know the Senator desires to be fair.

Mr. KING. If I misrepresented the Senator, it was unintentional.

Mr. McCUMBER. I have stated in each instance that if we had followed the Reynolds report, of course, the rate would have been very much higher—sometimes it would have been two or three times as high to measure the difference—but I have said again and again that in no case have we allowed rates that would measure the difference as shown in the Reynolds report. We have discounted the future in every instance, and in no single instance have we fixed a rate as high as the Reynolds report would indicate it should be to equalize conditions. I know the Senator from Utah does not wish to misquote me upon that matter.

Mr. KING. I certainly do not. I did not intend to do so, and I do not think I did. I say again, however, that the Reynolds report is used as a basis for this bill. I do not mean to say that the Senator from North Dakota has slavishly followed the figures in the Reynolds report, but the Senator in reporting this bill accepted the rates of wages, and so forth, which are stated or reflected in the Reynolds report as then existing, and the difference in the cost abroad and here substantially as indicated in the Reynolds report.

Mr. McCUMBER. In two respects the Senator from Utah is in error, if he will allow me to say so. In the first instance, I desire to say that, of course, there are no wage rates in the Reynolds report, and in guiding ourselves as to the question of wages we had to get the best information which we could as to present wages, and then discount that to a considerable extent. As I have so often stated, unquestionably German wages will go up and wages here will undoubtedly, to some extent, be reduced. The Reynolds report was not taken as a basis; it was simply taken as an evidential fact just so far as it was considered as at all appropriate and not as a basis in any instance.

Mr. KING. I accept the Senator's statement as to the use given to the Reynolds report. It has been referred to repeatedly by the distinguished Senator and by others apparently as justification for the rates which they have urged upon the floor of the Senate; but, Mr. President, I repeat that conditions in Germany are so mutable that each day furnishes an argument for lower rates of duty. With increasing wages and costs of production, the argument for these high rates is destroyed, even for those who are archprotectionists. The Senator from Massachusetts stated a moment ago that last August a given grade of cash register sold at $48 in Germany and the same grade is sold now, or was sold a few weeks ago, at over $250, showing the great advance in cost of materials, of production, and of labor in Germany since August of last year.

It has been stated upon a number of occasions that within the past few months wages have advanced in Germany in the neighborhood of from 40 to 80 per cent; that transportation charges have gone up in the past 60 days more than 40 per cent, and that everything in Germany is responding to the changed financial and economic conditions. Rents will soon materially be advanced, as the cost of transportation has been materially advanced.

Now, Mr. President, with respect to the machines under consideration, we find that the domestic price is more than 100 per cent above the price in 1914. The domestic producers, taking advantage of their monopoly and the lack of competition from abroad, are charging the public substantially what they desire.

I am utterly at a loss to comprehend how the imposition of a duty upon printing presses may be defended in the light of the nominal importations. We will get no revenue from the duty, and the importations constitute no menace by way of competition to the domestic producers, and therefore it looks as if the sole purpose was to license the domestic manufacturers to maintain the present—I shall not say extortionate—high prices, which are double the prices charged before the war. How are we going to bring prices down to normal levels if we frame a tariff law upon the theory that high prices ought to be maintained, and when we enact a law behind which the domestic manufacturer may buttress himself, fearing no foreign competition, and, in most instances, by reason of monopolistic control, fearing no domestic competition?

I called attention yesterday to the fact that already the woolen manufacturers in the United States have advanced the prices of their products, and it was indicated in the same publication that further advances would be made. The American people have been told that these extortionate prices would come down; but our Republican friends are framing this legislation so that present enormous prices may either be maintained or increased. What will be the result when winter comes of the increased prices of woolen goods, clothing, blankets, and a multitude of articles so indispensable to the welfare of the people? Our Republican friends are apparently doing everything they can to resist the movement of the laws of supply and demand. They want to arrest them and to continue this artificial situation—the product of the war and the result of definite combinations in restraint of trade in the United States,

I read in this morning's Baltimore Sun a very illuminating article dealing with the question of antitrust actions which are still languishing. Yesterday I mentioned the fact that many of the corporations of the United States had formed combinations destructive of competition, and that they treated the Sherman antitrust law as a nullity. In the Baltimore Sun of June 8 this statement is made, appearing upon the first page of the paper:

> That antitrust prosecutions have languished in recent times and may be expected to occupy even less attention on the part of the Department of Justice in the future may be indicated by the fact that within the past three years the Federal Trade Commission has sent the records in more than 60 cases of alleged violations of the law to the Attorney General without court action being taken in a single instance.

What is the matter with the Attorney General and the Department of Justice? Why do they not prosecute the corporations which have violated the Sherman antitrust law?

> The commission has gone ahead, within such legal limitations as it may function under, investigating case after case of alleged transgression against the Sherman Act and other enactments in the same direction, but that body is powerless to do more than investigate and make recommendations. It can dissolve no combinations and can send nobody to jail.
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> ACTION WITH JUSTICE DEPARTMENT.
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> Prosecution of offenders is the business of the Department of Justice and the trial and conviction of those offenders is the business of the Federal courts. The commission may, of course, issue a complaint against an alleged violator of the law, and may state its charges in behalf of that complaint, as has been done in the case of the Bethlehem-Lackawanna steel merger.
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> Evidence may be exacted by the commission in its inquisitorial proceedings. Persons and papers may be called for and demanded. And if the commission becomes convinced that a defendant company has violated the law an order to "cease and desist" may be issued.
>
> But if the defendant chooses to ignore such an order the Federal Trade Commission is powerless to compel compliance. All that it may do thereafter is to certify the whole record to the Department of Justice and to urge officially and publicly, if it pleases, that court proceedings be instituted. If the department believes it has a case and is inclined to carry such a case to court prosecution follows. Otherwise the matter ends there so far as the Government is concerned.
>
> SO ENDED IN 60 CASES.
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> And the matter has ended there in no less than 60 cases which the commission has formally laid before the department, according to the department's records. Nor has Attorney General Daugherty been alone in refusing to go into court on the strength of the commission's recommendations.
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> Attorneys General Gregory and Palmer were equally reluctant, it seems, many of the cases in question having been submitted and laid away to rest in peace during their respective administrations of the Department of Justice.
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> In justice to those officials, it has been stated that in their judgment there has been little likelihood of successful prosecution of the cases arising before the Federal Trade Commission. There may have been apparent violations of the law, it is pointed out, and many violations of what seemed to be the law 10 years ago, but few violations of what the courts now interpret as the antitrust law.
>
> Prosecuting officials began to see a weakening in the Federal courts' attitude toward the Sherman law about the time the war began. During the period of the war there was declared a sort of truce in the prosecution of combinations in restraint of trade. Combinations were actually invited by the Government itself, the old War Industries Board being the medium through which the Government acted.
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> But after the war some effort was made, notably by the commission, to call a halt. Many businesses seemed to be running amuck, assuming the old war-time immunity still prevailed. Also there seemed to be some effort on the part of the Department of Justice to restore the conditions as they existed before 1917.

Mr. President, I want to add that following the war the Department of Justice under Mr. Palmer began making investigations with a view to instituting prosecutions. A number of prosecutions were instituted and records were prepared, as I am advised, for the institution of suits against other combinations in restraint of trade. Undoubtedly many actions would have been commenced if Mr. Palmer had remained in office for a few months longer. The writer from whom I am quoting states that the 60 recommendations made by the Federal Trade Commission languished in the Department of Justice, and the trusts flourished. This bill is in the interest of the trusts. It gives them greater license, greater opportunity for the purpose of continuing their illegal practices and their oppressive conduct toward the people.

The Senator from Wisconsin and the Senator from Arkansas have called attention to some figures relative to the paragraph under consideration. I want to direct attention to further facts relating to this paragraph.

Bear in mind that the production of printing presses in the United States in 1914 was more than $8,396,000. The materials used in the manufacture of printing presses are steel, iron, and hard rubber. Germany can not compete with us, nor England, nor any other country in the world, in the manufacture of printing presses. That has been demonstrated by the fact that the importations have been negligible and our exports have been considerable.

These materials are found in sufficient quantities in the United States, except rubber, which is imported. Shop machinery of the type used in the manufacture of large machinery is the greater part of the equipment used in the manufacture of printing presses. Special machinery, machine tools, and a foundry are also part of the equipment. The American manufacturer is at no disadvantage in procuring equipment.

It is known, Mr. President, that in the manufacture of large machinery—indeed, for that matter, all qualities and kinds of machinery—the United States occupies a dominant, a supreme position in the world.

Automatic and special machinery is used to a great extent. By far the greater part of all printing presses are built to special specifications, but the smaller machines are standardized. The foreign practice is the same in this respect. On account of the size and price of the modern printing press, the efficient conduct of the industry requires a large factory, ample capital, and a highly developed organization. These requirements are found in the United States. The capital invested in the manufacture of printing presses is chiefly in large factories, and printing presses are generally sold direct to the consumer.

It is not a new industry, as the record shows, but one which has grown and developed in the United States, having its origin years ago.

The domestic exports, the record shows, are due mainly to the superior design that American printing presses have, and they have been exported to all the markets of the world, although the American manufacturers have some disadvantage in foreign markets owing to their higher manufacturing costs; but, notwithstanding these disadvantages, we have shipped to all the markets of the world, and have been able to compete with foreign producers, and to find a large market for our surplus products.

The exports in 1910 amounted to more than $2,000,000. There was a marked increase in 1911, and a further increase in 1912, at which time the exports reached the sum of more than $3,000,000. After that year exports decreased to $1,431,000 in 1915 and increased in 1917. In 1918 the exports were $1,349,000. In 1919 the exports amounted to nearly $4,000,000.

The imports were first reported separately in 1910, and they amounted to only $30,000. They decreased to $3,000 in 1917. In 1919 they increased to $19,000. Imports of printing presses have been practically negligible as compared with exports.

Mr. President, in the face of that record, and in view of the fact that Germany is utterly unable to compete with the United States, and that no other country is able to compete, the proposition is to impose a tariff!

Even if I were a protectionist I would want foreign competition. I think it is a dangerous thing to leave the domestic manufacturer an unrestricted market, the absolute control of the market. I do not care how honest a man may be; if he establishes a store in a community and has absolutely no competition, the people will suffer from his cupidity; and if the manufacturers of the United States are not subjected to some competition from abroad there will be not only a tendency for combinations but the fact will be that combinations and organizations will arise which will increase the prices above a fair profit to the producers. If a wholesome condition is desired in the industrial field there must be some competition from abroad. There should be imports of from 10 to 15 or 20 per cent. That leaven would tend to leaven the whole lump and produce reasonable prices. It would strike at domestic monopoly aimed at the increase of the domestic price.

I am afraid the able Senators who have framed this bill have been too much concerned for the manufacturer and have exhibited too little concern for the consumer. They have pleaded for the rich, for the powerful, for the great manufacturers. They have not been the advocates of the consumer. Somebody must lift his voice in defense of the consumer; and if this bill becomes a law in the form in which it came from the committee, then the consumer is bound and gagged and placed at the mercy of the producers of the United States.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee.

Mr. ROBINSON. I call for the yeas and nays.

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

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Rhode Island [Mr. GERRY], and vote "yea."

The roll call was concluded.

Mr. HALE. Making the same announcement as before, I vote "nay."

Mr. JONES of New Mexico. Making the same announcement as on the previous vote with respect to my pair and its transfer, I vote "yea."

Mr. STANLEY. I transfer my general pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. HARRISON (after having voted in the affirmative). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. OWEN. I transfer my pair with the Senator from New Jersey [Mr. EDGE] to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. PHIPPS (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. DIAL] to the junior Senator from Arizona [Mr. CAMERON], and allow my vote to stand.

The result was announced—yeas 28, nays, 27, not voting 41, as follows:

YEAS—28.

Ashurst	Kellogg	Nelson	Simmons
Borah	Kendrick	Norris	Smith
Caraway	King	Overman	Stanley
Harris	Ladd	Owen	Swanson
Harrison	La Follette	Pomerene	Underwood
Heflin	Lenroot	Robinson	Watson, Ga.
Jones, N. Mex.	Myers	Sheppard	Williams

NAYS—27.

Bursum	Keyes	Oddie	Sutherland
Calder	McCumber	Pepper	Townsend
Capper	McKinley	Phipps	Wadsworth
Curtis	McLean	Rawson	Warren
Gooding	McNary	Shortridge	Watson, Ind.
Hale	Newberry	Smoot	Willis
Jones, Wash.	Nicholson	Spencer	

NOT VOTING—41.

Ball	Edge	Johnson	Reed
Brandegee	Elkins	Lodge	Shields
Broussard	Ernst	McCormick	Stanfield
Cameron	Fernald	McKellar	Sterling
Colt	Fletcher	Moses	Trammell
Crow	France	New	Walsh, Mass.
Cummins	Frelinghuysen	Norbeck	Walsh, Mont.
Culberson	Gerry	Page	Weller
Dial	Glass	Pittman	
Dillingham	Harreld	Poindexter	
du Pont	Hitchcock	Ransdell	

So Mr. ROBINSON's amendment to the committee amendment was agreed to.

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

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Chair is advised that the amendment on page 83, lines 18 to 23, has not been agreed to.

Mr. UNDERWOOD. That is just the assembling of the various changes. Let the Secretary state the amendment.

The READING CLERK. On page 83, line 18, after the words "ad valorem" and the semicolon, insert:

Sewing machines, and parts thereof, not specially provided for, valued at not more than $75 each, 25 per cent ad valorem; valued at more than $75 each, 40 per cent ad valorem; cash registers, and parts thereof, 25 per cent ad valorem; printing presses, not specially provided for, lawn mowers, and.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has just been reported.

Mr. KING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. I confess I am a little unable to understand the situation. For my information, what rate of duty is attached to printing presses, not specially provided for, and lawn mowers?

Mr. ROBINSON. Fifteen per cent, the rate I proposed.

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

The amendment was agreed to.

The next amendment was, on page 84, line 2, to strike out the word "and" and to insert the words:

30 per cent ad valorem; knitting, braiding, and insulating machines, and all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 50 per cent ad valorem.

Mr. UNDERWOOD. I think that is practically two amendments, because the first part of it, down to the semicolon, provides for the tax on the things above, and the amendment from that point provides for the machinery named. I ask that it be separated and submitted as two amendments.

Mr. KING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. I invite attention to line 24, page 83, providing 35 per cent ad valorem. Was that a Senate committee amendment?

Mr. ROBINSON. That was amended by the amendment which I proposed; the 35 per cent was stricken out and 15 per cent inserted.

Mr. KING. I understood that related to printing presses and lawn mowers. Did it include machine tools?

Mr. ROBINSON. Yes; and parts of machine tools.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 84. Will the Senator from Alabama repeat his request?

Mr. UNDERWOOD. If we vote merely on the amendment as a whole we will vote on two rates at the same time. The first part of the amendment covers embroidery machines, including shuttles for sewing and embroidery machines, lace-making machines, machines for making lace curtains, nets, and nettings, 30 per cent ad valorem. The 30 per cent rate is really the first part of that amendment. Then the amendment provides for knitting, braiding, and insulating machines, and all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 50 per cent ad valorem. As there are two questions involved, I ask that the amendment be separated.

The PRESIDING OFFICER. The Senator from Alabama asks that the amendment be divided; consequently the vote will be on the first section, the 30 per cent rate, down to the semicolon. The question is on agreeing to the amendment.

Mr. KING. May I inquire of the Senator from North Dakota the reason for fixing the rates at 30 per cent ad valorem. I invite attention to the information contained in the Tariff Commission Survey, and I discover there that the American demand for these particular machines has "not been sufficient to encourage any domestic manufacturer to build so highly specialized a machine in competition with the long-established foreign makers, who have developed the machines during the last century and enjoy the advantage of having the world's largest market at their doors. It is noteworthy that during the war, when there was difficulty in obtaining machines from abroad, there was no attempt made to make them in this country."

On the next page it is stated:

There are in the United States approximately 575 Levers lace machines, 500 lace-curtain machines, about 40 bobbinet machines, and perhaps 300 warp-lace machines. None of these machines are made in the United States. Some braiding machines have been made in this country, both by machine makers and by-lace concerns.

Materials: Cast iron, steel, and brass are the materials used in the construction of this class of machinery.

Equipment: Shops must be equipped for the production of large and heavy machines, of great complexity and a high degree of accuracy.

Organization: The industry requires a world market as the total demand is limited; the designs are very complex, and manufacturing skill and experience is required. Consequently the machines are high priced.

History of the industry: So far as is known, no lace machines have ever been made in the United States. During the war, when the importers experienced difficulty in obtaining parts, at least one of them carefully considered the possibility of making parts in this country, but decided that, even in the case of the very heavy frame castings, it would not be a commercial proposition. One domestic textile machinery maker formerly made some braiding machines, but in the opinion of one of the large braid makers these machines were so inferior to the German machines that American manufacturers are practically dependent upon Germany for this type of machine. Some of the lace and braid manufacturers, however, have made a number of machines for their own use which they consider satisfactory.

Domestic production and consumption: There is no domestic production of lace machines. The demand is somewhat limited; there would be considerable expense necessary to design and develop so complicated a machine, and competition would be met from the large and long-established firms of England and France.

I read just a sentence or two further:

Under the acts of 1894 and 1897 lace machines were included as manufactures of metal not specially provided for, dutiable at 35 and 45 per cent ad valorem, respectively. By the act of August 5, 1909, lace machines were admitted free of duty until January 1, 1911. After that date the duty reverted to 45 per cent. The act of 1913 reduced the duty to 20 per cent. The temporary removal of the duty in 1909 resulted in a large importation, which greatly stimulated the lace and embroidery industries in the United States.

COMPETITIVE CONDITIONS.

The lace-curtain industry has been established in this country for over 20 years. Practically all of the machines are of English make; a few are French. The fancy-lace industry was not developed in this country to any extent until 1909, when lace machines were admitted free of duty for a period of 17 months.

It would seem from this report of the Tariff Commission that the less impediments that are offered to bringing into this country these machines the better it is for the industry; that we developed the lace industry to give employment to people by having the machines come into the United States. May I inquire of the Senator whether conditions have so changed since the tariff survey was submitted in 1921 as to lead to the conclusion that the report of the Tariff Commission is inaccurate?

Mr. McCUMBER. I did not hear all of the Tariff Commission's report as read by the Senator, but I assume that it is accurate. First, let us accept the proposition just as it is, that we do not make the machines in the United States at all. Therefore, from a protective standpoint let us suppose that we do not need any protection whatever. I do not know myself just where we are going to get revenues to meet appropriations that are being made from year to year in the United States—and we do not seem to be growing any more economical in the matter as the years go by—unless we get some of them from importations.

This product stood a 45 per cent ad valorem duty prior to 1913, and with a 45 per cent ad valorem duty we imported in 1910 $1,387,000 worth and collected a duty of $40,260. In 1911 we imported $1,792,216 worth, and we collected $42,368 revenue. In 1912, with a 45 per cent ad valorem, we imported $619,000 worth, and we collected a duty of $222,000. In 1913 we imported $327,000, and we collected a duty of $147,396. So it pays us a very good return upon the basis of a 45 per cent ad valorem duty.

In 1921 the imports of embroidery and lace-making machines, including machines for making lace curtains, nets, and so forth, amounted to $633,485, almost as much as they were in 1911; in fact, more than that when we had the others. There were imported in 1921 of jute manufacturing machinery, $148,807, and all others, $4,167,297.

Mr. KING. If the Senator will pardon me, I called his attention only to the machine for lace making and the machine for making lace curtains, nets, and nettings, not jute machines and other classes to which the Senator perhaps has referred.

Mr. McCUMBER. Those which I quoted from the table from the tariff survey were just lace machines, embroidery and lace-making machines. The jute manufacturing machinery is found in the next table.

Mr. KING. Was not the Senator in error in stating that until recently the tariff was 45 per cent? I find on page 73 a statement that the act of 1913 reduced the duty to 20 per cent, and the temporary removal of the duty in 1909 resulted in a large importation which greatly stimulated lace and embroidery industries of the United States. It would appear from that statement of the Tariff Commission that there was a period——

Mr. McCUMBER. The Senator will remember that in the 1909 law, in order to get some of the lace machines in the United States, as we did not produce them, certain classes of them were imported free of duty. Some were on the free list and some went upon the list bearing 45 per cent ad valorem duty, but if he will look at the amount that was imported and the amount of duty he will see that about one-half, I should judge at a glance, were bearing a duty of about 40 per cent, and the others came in free. They came in free for a number of years.

Mr. SMOOT. Until January 1, 1911.

Mr. McCUMBER. Yes. In 1913 we had the 45 per cent duty and the divided duty in part of 1912. In 1912 they were partly free and partly 45 per cent duty, according to this report. We got $222,000 in duties that year.

Mr. KING. If the Senator will pardon me, I think he has answered the question I asked.

Mr. McCUMBER. After the free provision was eliminated, as the Senator will see, the importations continued.

Mr. KING. The Senator, then, justifies this rate upon the ground of revenue?

Mr. McCUMBER. Oh, certainly.

Mr. KING. He has not urged it other than for revenue purposes?

Mr. McCUMBER. This is a duty for revenue purposes only. We do not produce the article in the United States. The duty under the Underwood bill was 25 per cent on part of it and 45 per cent on part of it. The bill now raises it only 5 per cent above the Underwood law. We have an amount of importations, I think, which will justly and easily absorb the extra 5 per cent, and especially as it is for revenue only.

Mr. SIMMONS. Mr. President, I do not wish to enter into any extended discussion about the matter, but the revenue collected from this item in 1920 was $138,000. The imports were a little bit larger in 1921, but I have no statement of what the revenues were. They could not have been much over $150,000.

The proposition is to increase the present rate only 5 points. That is not a very large increase, but I want to ask the Senator from North Dakota if he thinks this is a very good time to increase the rate for purely revenue purposes in view of the fact that this machine is used in the manufacture of articles that have connection with the clothing of the people. It is well understood at this time that the prices of this class of materials which constitute a part of the clothing of the people are exceedingly high. I do not want to enter into any discussion about it, but I doubt very much whether it is a wise public policy to be increasing the price of clothing through the tariff bill for purely revenue purposes. I do not care to say more about it.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on the first branch of the amendment offered by the committee.

Mr. ROBINSON. I understand the amendment substantially embraces two propositions and by agreement has been divided, the vote being first taken on lace-making machines, and so forth?

The PRESIDING OFFICER. That is correct.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the second part of the amendment of the committee, which the Secretary will report.

The READING CLERK. On page 84, beginning in line 3, insert:

Knitting, braiding, and insulating machines, and all other textile machinery or parts thereof, finished or unfinished, not specially provided for, 50 per cent ad valorem.

Mr. ROBINSON. Mr. President, I do not find any definite information respecting this class of machines. There is nothing in the Summary of Tariff Information that has been brought to my attention which justifies this very high rate; but I presume the chairman of the committee will submit a statement in explanation of the action of the committee seeking to impose a rate of 50 per cent ad valorem. It is my intention to offer an amendment reducing that rate of 25 per cent ad valorem. I will offer the amendment now or withhold it for the present. It does seem that there ought to be some explanation given for the imposition of this very high rate. I ask the Senator from North Dakota what is the rate now imposed for "knitting, braiding, and insulating machines, and all other textile machinery or parts thereof, finished or unfinished, not specially provided for"?

Mr. McCUMBER. The report of the Tariff Commission is not very enlightening upon that paragraph. I suppose the main trouble lies in the fact that most of those machines come in under a basket clause, and it is impossible to say just what proportion are of a specific designation. I have testimony here of one of the witnesses in the form of a brief showing the necessity for the rates which we have placed upon these articles; and our examination indicated that they ought to carry a rate of 50 per cent ad valorem.

Mr. ROBINSON. What is the rate now imposed under the basket clause which embraces these items?

Mr. McCUMBER. Under the present law?

Mr. ROBINSON. Yes, sir.

Mr. McCUMBER. I understand that it is 20 per cent.

Mr. ROBINSON. And it is now proposed to multiply that rate by two and a half?

Mr. McCUMBER. The Payne-Aldrich rate was 45 per cent, and the rate proposed is only 5 per cent over the Payne-Aldrich rate.

Mr. ROBINSON. In line 5, page 84, I move to strike out the numerals "50" and to insert in lieu thereof "25."

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

The amendment to the amendment was rejected.

The next amendment of the Committee on Finance was, on page 84, line 7, before the words "per centum," to strike out the numerals "35" and to insert the numerals "30," so as to read:

all other machines or parts thereof, finished or unfinished, not specially provided for, 30 per cent ad valorem.

Mr. SIMMONS. Mr. President, I recognize the fact that the proposed Senate committee rate is 5 points below the House rate, but the House rate and the Senate rate are both too high. This is a very sweeping clause. After taxing at certain fixed ad valorem rates various machines, including steam engines, locomotives, printing presses, lawn mowers, machine tools and parts of machines and tools, embroidery machines, lace-making machines, lace-curtain machines, knitting machines, braiding and insulating machines, and all other textile machinery or parts thereof, finished or unfinished, 50 per cent, there is this catch-all provision:

All other machines or parts thereof, finished or unfinished, not specially provided for, 30 per cent ad valorem.

My interpretation of that is that absolutely no machine of any sort that is now imported or may hereafter be imported into the United States shall escape taxation at least at the rate of 30 per cent. If I am correct in that assumption, I should like to be advised to that effect. I do not know that I have read a more sweeping clause than that. The machine is not named; we do not know what its character is; we do not know what the cost of the production of it is here and abroad; but if it is a machine, or the part of a machine, under this all-embracing provision it is to be taxed 30 per cent, if it is not taxed otherwise specifically at a higher or lesser rate. I think we are "going some," Mr. President, in this proposed legislation when, without specifying, we are willing to say that all kinds and characters and conditions of machines that may be made by man or used by man, that are or may be imported into this country, shall pay a tax.

There may be some machines that ought to pay a tax; there may be some machines that can be made for very much less abroad than they can be made here, and therefore ought, under the protective principle on which this bill is written, be required to pay a tax; but there may be other machines that can be made here much more cheaply than they can be made abroad; but without regard to whether they can be made in this country for 25 or 30 or 50 per cent less than they can be made in another country, they must be taxed at the rate of 30 per cent.

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

Mr. SIMMONS. Yes. I am merely discussing this item because I can not get any information from the other side.

Mr. LENROOT. If that be a criticism, does it not apply equally to the present Underwood-Simmons law, which levies a tax of 20 per cent on the same commodities under a basket clause.

Mr. SIMMONS. It may be; but that would not deter me from saying that, to my mind, it is a dangerous provision. It never had occurred to me before. It is a very sweeping provision, and when all the facts with reference to the importations of "all other machines and parts of machines" are taken into consideration, it looks to me like a very rank proposition.

Mr. McCUMBER. Mr. President——

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

Mr. SIMMONS. I am only trying to develop the real facts about this provision. It seems to me it is rather a dangerous provision and it has just been brought to my attention. Here are the facts with reference to our exports.

Mr. McCUMBER. Mr. President——

Mr. SIMMONS. I will ask the Senator from North Dakota to wait until I read the statement which I was about to read from the Tariff Commission. Under the head of "All other machinery and parts of," the figures as to exports for different years are given. It is shown that in 1918 the exports of the articles embraced in this catch-all clause, or basket clause, or whatever it may be called, were $42,299,866; in 1919, $73,426,726; in 1920, $96,657,650; and in nine months of 1921, $58,503,723.

In this clause, covering "all other machinery and parts of," are included machines of which, according to this record, we exported for the nine months of last year $58,000,000 worth, and for the year previous $96,000,000 worth.

Mr. McCUMBER. Mr. President——

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

Mr. SIMMONS. I yield.

Mr. McCUMBER. The Senator just a moment ago stated that his questions were for the purpose of eliciting information, and that he did not receive any information from this side of the Chamber on the subject. I want to remind the Senator, if that was a criticism, that if he will look over his remarks he will find that there was hardly a single comma even in his speech from the time he began to speak on the subject to the present time, and he can hardly accuse me of not being willing to give him the information, unless he is willing to give me a chance to give it. I merely wanted to answer that part of the Senator's statement.

Mr. SIMMONS. I thought I paused long enough, and the Senator did not rise, and then I proceeded with my remarks.

Mr. McCUMBER. I think the Senator will find there is not even a semicolon in his remarks.

Mr. SIMMONS. A pause does not always require a punctuation point.

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

Mr. SIMMONS. I yield to the Senator from North Dakota with a great deal of pleasure.

Mr. McCUMBER. I think I can give some reasons for the proposed duty.

Mr. SIMMONS. I will be very glad to have the Senator do so.

Mr. McCUMBER. There is a good reason for the duty proposed, just as the Senator from North Carolina in the Underwood-Simmons law had a good reason for levying a duty of 20 per cent upon the same commodities. It is not for protection, we will admit, but we needed money in 1913, and we need twice as much money in 1921 as we did then. While we may export certain kinds of machinery covered generally in the basket clause, and it may possibly exceed in value many times the imports, yet on a close investigation it will generally be found that the exports consist of one kind of machinery and the imports of an entirely different kind, but all come under the general basket clause.

In 1907 there was a 45 per cent ad valorem duty under this clause covering miscellaneous machinery, and we imported $4,978,000 worth and collected $2,240,000 revenue. The next year, 1908, we imported $3,363,000 worth and collected a revenue of $1,648,000. The imports largely increased until in 1910 we imported under this basket clause $8,466,000 worth and collected $3,809,000 of revenue under a 45 per cent duty. In 1911 we imported $6,792,000 worth and collected $2,811,000 of revenue. The imports continued at something over $6,000,000 until we reached 1913–14, when the 20 per cent ad valorem duty under the present law came into effect, and the imports dropped immediately to $4,000,000, then to $3,000,000, then to $1,000,000, and so on, and we collected about one-third as much revenue as we had collected under the previous tariff law.

We do not propose in this bill the high duty of 45 per cent which prevailed from 1907 to 1913, but we are proposing a duty midway between what the Underwood-Simmons law imposed and what the Payne-Aldrich law imposed, namely, 30 per cent ad valorem.

Leaving out the question of protection entirely, I can not believe that we can afford to throw away the revenue that we ought to receive from these importations; and I have an idea that as they came in under normal conditions in as great an amount as $8,466,000 worth under a 45 per cent duty, they will probably, when normal conditions return, come in even greater volume with a less rate of duty, the rate of 30 per cent, and we will derive considerable revenue therefrom.

Mr. SIMMONS. Mr. President, of course, if the Senator is levying these duties for revenue, that is very, very different. We have here a paragraph that contains many different and clearly segregated articles that are taxed. Some of them, we are told, are taxed for purposes of protection; some of them are taxed for the purpose of revenue. As this is a tariff for protection, we can not tell, until the committee advises us, whether these rates are for protection or for revenue, especially when they are all mixed up together in one paragraph, and rates upon half a dozen or maybe more articles are imposed in the same paragraph, some of which are defended on the ground that they are necessary to protect the American producer.

If you are levying this duty for the purpose of protection, then it does not matter at all what is the difference between the cost of the article here and abroad, and you can therefore with impunity apply your duty so as to embrace all articles in the same general classification, even an all-embracing classification; but if you are imposing that duty for the purpose of protection, then if you make a blanket clause of this sort, embracing all machines of every kind and description, and put the same common duty upon all of these different machines, I submit that you will in some instances radically violate the principle under which you are proceeding, and in other instances you will not impose as much duty as you ought to impose to carry out that principle.

Therefore I made the point which I made a little while ago, that it did not seem to me that it was possible to apply correctly the principle of protection to all the machines that were made in his country without any reference to whether those machines were made at less cost or at greater cost here than in other countries, and I think the point was well taken; but, of course, I have to accept what the committee say, that they impose this duty not for protection but for revenue, and upon that basis, if they think it is a proper subject out of which to raise revenue, nothing can be said.

Mr. McCUMBER. Mr. President, will the Senator allow me just one suggestion?

Mr. SIMMONS. Yes.

Mr. McCUMBER. That is, if this is subject to criticism because of its wide range, is not the Underwood-Simmons bill subject to greater criticism, because it states "all manufactures of metal"?

Mr. SIMMONS. Exactly. I have just said that the Underwood rate was undoubtedly imposed for purely revenue purposes, and if imposed for purely revenue purposes it was perfectly logical.

Mr. McCUMBER. That is the only standpoint from which I have discussed this.

Mr. SIMMONS. But if it is imposed for protective purposes—and that was the purpose for which I supposed it was imposed when I spoke first—I said that you could not justify it, because you thereby threw into one class all machines of every kind and character that are or may be imported into this country, without any reference to whether those machines cost less to produce here than they did abroad, and that you could not properly apply the protective principle in that way, although of course you can apply the principle of levying a duty for revenue purposes; and the Senator now says that that is the purpose of this duty.

Mr. SMOOT. Mr. President, I recognize the fact that the Senator from North Carolina is just talking to kill time, but I want to call his attention to the fact that there is no seventy-eight or forty-six million dollars involved in this catch-all clause that we are discussing now.

Mr. SIMMONS. I can not say whether there is or not.

Mr. SMOOT. I can say it.

Mr. SIMMONS. I simply read the figures, and I told the Senator what I read from.

Mr. SMOOT. The Senator read exports, not imports at all.

Mr. SIMMONS. I was not talking about imports; I was talking about exports. The Senator misunderstood me entirely, and I do not want him to misunderstand me.

Mr. SMOOT. I do not want to misrepresent the Senator.

Mr. SIMMONS. Here is what I read——

Mr. SMOOT. The Senator was objecting here to a catchall clause that took in all sorts of machinery of all kinds, and he said that they did not know anything about what fell under that catchall clause, and then he proceeded to read the figures that he did.

Mr. SIMMONS. I read the figures as to exports, not as to imports, as the Senator seems to think. What I stated was that on page 507 of the Summary of Tariff Information, under the head of "Exports," they give the exports of certain machines and locomotives, and finally they say:

> Exports have been as follows.

Then they segregate them, and give the exports as to the various machines and locomotives, and at the conclusion of that it says:

> All other machinery and parts of—

Which is the language used in the section we are discussing, and it shows that the exports of all other machinery and parts thereof for 1921, nine months, were $58,503,723. That is all I said. The Senator misunderstood me.

Mr. SMOOT. Then, of course, I misunderstood the Senator, if that is the case; but he was complaining about a catchall clause here and said that nobody could tell what goods fell under it.

Mr. SIMMONS. Oh, well, that is another part of the discussion.

Mr. SMOOT. The Senator knows too much about making a tariff bill to criticize a thing like that. There never has been a tariff bill made, there never will be a tariff bill made, that

does not have a catchall clause in every section of it. There has to be. It is necessary to have one, or else you have to particularize every single item that may come into this country from anywhere in all the world, covering every kind of goods that may be made in the country. This paragraph is written just the same as all of the paragraphs covering machinery are written. The great bulk of them are mentioned, and those that do not fall there, of course, are taken care of by the basket clause.

Mr. SIMMONS. The Senator does not mean to tell the Senate, I imagine, because it is thought for purposes of protection that you should specifically protect half a dozen or a dozen or 50 machines, that it is necessary that you should then provide protection as to all other machines.

Mr. SMOOT. In this section there are thousands and tens of thousands of machines protected—not merely one or two items—and I simply wanted to say that the importations under this catchall clause are as follows:

In 1918	$2,116,000
In 1919	1,311,000
In 1920	3,033,000
In nine months of 1921	3,189,000

And it is impossible to say what they were.

Mr. HEFLIN. Mr. President, I want to say just a word. I want to commend the Senator from Utah for his frankness, for his acknowledgment that this bill is intended to catch all. He has referred two or three times to the catchall clauses in this bill.

Mr. SMOOT. I suppose the Senator has never heard of that before in tariff legislation, has he?

Mr. HEFLIN. I have. I have seen it practiced in every Republican measure brought into Congress.

Mr. SMOOT. Yes; and there never was a Democratic measure brought into this body or into the House but that used the same identical word, and everybody knows what it means.

Mr. HEFLIN. No, Mr. President; not "catchall"—not in any Democratic measures.

Mr. SMOOT. Yes; every one of them.

Mr. HEFLIN. We have measures for revenue only, and thousands of things are not caught at all. They are on the free list.

Mr. SMOOT. Well, they are caught there.

Mr. HEFLIN. But the Senator from Utah has a measure here that he says has these catchall clauses in it.

Mr. SMOOT. Every paragraph—every section.

Mr. HEFLIN. Yes; every paragraph and every section—catch all. I said here in a speech yesterday that nobody escaped the taxgatherers as provided for in this bill——

Mr. SMOOT. And every Democratic bill.

Mr. HEFLIN. And the Senator from Utah comes here and proves by his confession just what I have said, and what others on this side have charged—that you "catch 'em all." [Laughter.]

Yes, Mr. President, we have a hundred millions of people in the United States, and there is nothing truer on this earth than that every one of them has to pay a tariff tax under this bill. There is not a man, woman, or child in the United States that will not have to pay some tax under this bill.

Mr. SMOOT. Or under existing law.

Mr. HEFLIN. Not at all. This bill does catch all, and none escape from its terrible provisions.

I can not think of anything that you have left out of this bill. You have provision after provision to increase the fortunes of certain men, and to take that money away from certain other men who have to buy and consume that thing. You are taking no account of the interest of the man who must buy and consume, but only providing for the fellow who is going to sell.

Mr. President, this Government belongs to producers and consumers alike, men engaged in every kind of legitimate business. It does not belong to any particular class of people. This Government ought to stand on the everlasting principle of equal rights to all and special privileges to none. What is this bill? It is chock full of special privilege. It is a perfect patchwork of governmental favoritism. It singles out 4,000 captains of industry and taxes 100,000,000 of people for their benefit. It is written purely and wholly, singly and solely, for their benefit. What good are the American people going to get out of it? Nothing. Where do they come in? Why, they come in when the taxgatherer arrives. They have the proud privilege of contributing tremendous sums of money under the operation of this law to the tariff barons of this country.

Mr. President, nearly every other man in life, except these tariff barons, must rely upon his own skill and energy. He must rely upon his own physical strength. He must fight his own battles or fall. What happens with one of these tariff barons? He does not have to rely on his skill and energy. He goes into a certain business, and he comes down here to a Republican Congress, and he says to the Finance Committee of the Senate and the Ways and Means Committee of the House, "I want my profits increased upon this product. I want a tariff tax levied against an item that comes from some foreign country."

"Is the foreign producer about to injure you in the American market?" he is asked.

"No."

"Do you sell your goods abroad now in competition with him?"

"Oh, yes."

"To what extent do you sell your goods abroad?"

"Oh, I sell thousands and hundreds of thousands of dollars' worth of stuff abroad."

"How much does he sell in our country?"

"Oh, not much; a few thousand dollars' worth. But I want to increase my profit. I want to make a killing. I want to make a fortune quickly, and I am a good fellow. I contributed to your campaign fund. I support the Republican ticket, and I want protection; high protection."

"Well, what rate do you want?"

"Well, such and such a rate."

"Do you think that will shut this fellow out?"

"Well, I think it will do the job."

"All right; we will give you that rate."

Then, what happens? That foreigner's goods stop coming in; they cease to come into the American market. Then, what happens? The man here still sells his goods abroad, and by reason of the tariff tax put up against the foreigner his goods are shut out entirely. This man increases the price of the stuff to the consumer here at home, and the consumer has no relief from it. You have put the price up on him by the operation of the law; and for whose benefit did you do it? You put it up for the benefit of the American tariff baron, who contributes to your campaign fund.

So, Mr. President, it looks as if it comes down to the simple proposition of some men buying the right, under the flag and under the Constitution, to tax somebody else to benefit their private business.

It is wrong; it is against the spirit and the genius of American institutions. It ought not to be tolerated, and I do not believe it will be tolerated when this monstrosity is made known in all its hideous parts to the American people. I do not believe they will stand for what is going on in this Chamber.

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

Mr. CURTIS. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 84, line 7, strike out "35" and insert in lieu thereof "30."

Mr. CURTIS. That is a committee amendment?

The VICE PRESIDENT. It is a committee amendment.

The amendment was agreed to.

Mr. SMOOT. In behalf of the committee I move, on page 84, line 5, after the words "ad valorem" and the semicolon, to add the following:

Cream separators and other centrifugal machines for the separation of liquids, or liquids and solids, not specially provided for, 25 per cent ad valorem.

Mr. SIMMONS. Mr. President, this is a new proposition. We have had no notice of it. I would be very glad to have the Senator from Utah tell us something about the facts with reference to the production and the importations and exportations of those machines. I see that of cream separators we exported in the nine months of 1921 $1,515,000 worth. Of cream separators we imported in nine months of 1921, $334,000 worth. So it seems that our exports are something over twenty times our imports. I do not know the domestic production, but I assume it is very large. It may be that the Senator from Utah can give us some information about it.

Mr. SMOOT. I will ask the Senator from Wisconsin to make whatever statement he wishes to present in regard to this matter.

Mr. LENROOT. Mr. President, cream separators were placed upon the free list by the committee. This matter was called to my attention, cream separators being made in New York and Wisconsin, I believe. They were put on the free list, I was informed by members of the committee, on the theory that they are agricultural implements, though I may be mistaken about that.

Mr. CURTIS. I understood also that they were put on the free list because the only kind of cream separator imported, it was claimed, was not made in this country, but is a particular kind of a separator.

Mr. SMOOT. The de Laval machine.

Mr. CURTIS. Yes; the de Laval machine.

Mr. SMOOT. It is made in Sweden.

Mr. LENROOT. Upon the subject being brought to my attention I looked up the matter of the imports, and I found that in 1918 there were 16,884 imported; in 1919 there were 23,641 imported; in 1920 there were 42,904 imported, valued at $1,344,287. It is true that in 1921 the imports dropped down very greatly, but only in proportion, I think, to the general fall of business, because the farmer had no money with which to buy anything.

The Senator from North Carolina said the exports were several times the imports. The fact is that the imports of separators are substantially greater than the exports. A cream separator is a very complicated machine——

Mr. SIMMONS. Let me interrupt the Senator right there. The Senator probably is not quite accurate, but very nearly so. I read a little while ago from the wrong column. I see that in 1920 the exports were $1,106,000, and in the nine months of 1921 they fell off to $374,000.

Mr. LENROOT. At the same time the exports were $1,106,000, the imports were $1,346,000. In addition to that, if the Senator will notice on the top of page 507 of the Tariff Summary he will see that the imports of parts of cream separators during that year were $211,624.

Mr. SIMMONS. I beg the pardon of the Senate. I did read from the wrong line.

Mr. LENROOT. I felt sure that the Senator inadvertently made a mistake.

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

The amendment was agreed to.

The next amendment was, on page 84, line 11, after the word "scoops," to insert "scythes, sickles, grass hooks, corn knives," and in line 15, before the words "per cent," to strike out "25" and to insert "35," so as to make the paragraph read:

PAR. 373. Shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools, and parts thereof, composed wholly or in chief value of iron, steel, lead, copper, brass, nickel, aluminum, or other metal, whether partly or wholly manufactured, 35 per cent ad valorem.

Mr. SIMMONS. Mr. President, I make the point of no 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	Heflin	Newberry	Simmons
Ball	Jones, Wash.	Nicholson	Smith
Brandegee	Kendrick	Norris	Smoot
Bursum	Keyes	Oddie	Spencer
Calder	Ladd	Overman	Sterling
Capper	La Follette	Owen	Sutherland
Curtis	Lenroot	Pepper	Townsend
Dial	McCormick	Phipps	Wadsworth
Gooding	McCumber	Rawson	Walsh, Mass.
Hale	McKinley	Robinson	Warren
Harris	McLean	Sheppard	Willis
Harrison	McNary	Shortridge	

The VICE PRESIDENT. Forty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. KELLOGG and Mr. POMERENE answered to their names when called.

Mr. KING and Mr. JONES of New Mexico entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

PRESIDENTIAL APPROVALS.

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

On June 3, 1922:

S. 2263. An act to amend the Federal reserve act, approved December 23, 1913.

On June 7, 1922:

S. 539. An act to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

NAVAL OIL RESERVE LEASES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers and exhibits, referred to the Committee on Public Lands and Surveys:

To the PRESIDENT OF THE SENATE:

On April 29 the Senate adopted a resolution directing the Secretary of the Interior to furnish the Senate with certain documents, correspondence, papers, files, Executive orders, and all contracts for drilling oil wells on naval oil reserves of the United States, with all detailed information relating thereto. I am to-day in receipt of a letter from the Secretary of the Interior in which he advises me of his compliance with the resolution of the Senate, and in which he makes to me a full and comprehensive report, probably not contemplated in the resolution, in which he gives to me the details of the handling of all naval reserve petroleum matters up to the present date, including full explanation of the contracts for the disposition of oil and the necessity for such action as has been taken. The report, with the exhibits thereto attached, I am sending to the Senate herewith, with the hope that they may be referred to the Senate Committee on Public Lands for such ready reference and information as they will afford the committee in making the investigation contemplated by the Senate.

I am sure I am correct in construing the impelling purpose of the Secretary of the Interior in making to me this report. It is not to be construed as a defense of either specific acts or the general policies followed in dealing with the problems incident to the handling of the naval reserves but is designed to afford that explanation to which the Senate is entitled, and which will prove helpful to the country generally in appraising the administration of these matters of great public concern. I think it is only fair to say in this connection that the policy which has been adopted by the Secretary of the Navy and the Secretary of the Interior in dealing with these matters was submitted to me prior to the adoption thereof, and the policy decided upon and the subsequent acts have at all times had my entire approval.

WARREN G. HARDING.

THE WHITE HOUSE, *June 7, 1922.*

ADJUSTED COMPENSATION FOR WORLD WAR VETERANS.

Mr. McCUMBER. I ask unanimous consent to report favorably from the Committee on Finance, with amendments, the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, and I submit a report (No. 756) thereon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the report will be received.

Mr. McCUMBER. I simply report it that it may be printed and go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McNARY. I ask unanimous consent to offer an amendment to the soldiers' compensation bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

PETITIONS.

Mr. CAPPER presented a petition of sundry citizens of Kansas City, Kans., praying for the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. LADD presented a petition numerously signed by officers and members of the Ebenezer Danish Evangelical Lutheran Congregation, of Flaxton, N. Dak., praying for the granting of relief to the suffering peoples of Armenia, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 3419) for the relief of James E. Fitzgerald, reported it with amendments and submitted a report (No. 753) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 163) for the relief of Francis L. Flanders, reported it with an amendment, and submitted a report (No. 755) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 7544) authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay, reported it without amendment and submitted a report (No. 757) thereon.

JESSE C. DENNIS AND WILLIAM RHETT ELEAZER.

Mr. TOWNSEND. I report from the Committee on Post Offices and Post Roads, with an amendment, the bill (S. 2168) for the relief of Jesse C. Dennis and William Rhett Eleazer, and I submit a report (No. 758) thereon.

Mr. SMITH. I ask unanimous consent for the immediate consideration of the bill. It is indorsed by the department and unanimously reported by the committee.

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

There being no objection, the bill was considered as in Committee of the Whole. The amendment was, on page 1, line 7, to strike out "$5,759.48" and to insert "$4,590," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse C. Dennis and William Rhett Eleazer, of the county of Richland and State of South Carolina, the sum of $4,590 in full compensation for loss and damage suffered by the said Jesse C. Dennis and William Rhett Eleazer under their contract for transporting United States mail at Columbia, S. C., said loss having been brought about by the establishment of Camp Jackson in the vicinity of Columbia subsequent to the execution of said contract.

The amendment was agreed to.

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

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

PEARL RIVER BRIDGE, MISSISSIPPI.

Mr. CALDER. From the Committee on Commerce, I report back favorably, with amendments, the bill (S. 3620) to authorize the construction of a bridge across Pearl River at Tilton, Lawrence County, Miss., and I submit a report (No. 759) thereon. I ask unanimous consent for its immediate consideration.

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

The amendments were, on page 1, line 4, to strike out "connecting its timber holdings"; in line 5, before the word "River," to strike out "Pear" and insert "Pearl"; and in line 6, after the word "at," to insert "or near," so as to make the bill read:

Be it enacted, etc., That the Natchez, Columbia & Mobile Railroad Co. is hereby authorized to construct a bridge across Pearl River, at a point suitable to the interests of navigation, at or near Tilton, Lawrence County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were 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 authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Miss."

NIAGARA RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendments the bill (S. 3458) to authorize the Niagara River Bridge Co. to reconstruct its present bridge across the Niagara River between the State of New York and the Dominion of Canada, or to remove its present bridge and construct, maintain, and operate a new bridge across the said river, and I ask for its immediate consideration.

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

The amendments were, on page 2, line 2, after the word "river," to insert "at a point suitable to the interests of navigation"; in line 3, after the word "site," to insert "north of and near the site of the present bridge"; and in line 6, after the numerals "1906," to strike out the period and insert a semicolon and the following proviso:

Provided, That before the construction of the said bridge shall be commenced all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada.

So as to make the bill read:

Be it enacted, etc., That the Niagara River Bridge Co., a corporation which heretofore, under lawful authority then existing, constructed a cantilever bridge across the Niagara River between the United States and Canada, such bridge having been duly declared by act of Congress to be a lawful structure and an established post route of mail of the United States, is hereby authorized to enlarge, change, and alter its present bridge, or to remove its present bridge and construct, maintain, and operate a new bridge and approaches thereto across the Niagara River, at a point suitable to the interests of navigation, upon the present site or on a new site north of and near the site of the present bridge in lieu thereof, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That before the construction of the said bridge shall be commenced all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada.

SEC. 2. That for the purpose of carrying into effect the objects of this act the Niagara River Bridge Co. may receive, purchase, and also acquire by lawful appropriation and condemnation in the State of New York, upon making proper compensation, to be ascertained according to the laws of that State, real and personal property and rights of property, and may make any and every use of the same necessary and proper for the construction, maintenance, and operation of said bridge and approaches consistent with the laws of the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were 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.

CONFIRMATION OF ARKANSAS POSTMASTERS.

Mr. ROBINSON. I ask unanimous consent, as in open executive session, for the consideration of certain post-office nominations in the State of Arkansas, which have been deferred for quite a long while.

The VICE PRESIDENT. Without objection, the Secretary will read the names as in open executive session.

The reading clerk read as follows:

Walter G. Baker to be postmaster at Peach Orchard, Ark.
Alice R. Beard to be postmaster at Gentry, Ark.
James A. Skipper to be postmaster at England, Ark.

The VICE PRESIDENT. Is there objection to the consideration as in open executive session of these nominations? The Chair hears none. Without objection, they will be severally confirmed and the President will be notified. It is so ordered. The Senate resumes its legislative session.

BILLS INTRODUCED.

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

By Mr. McKINLEY:

A bill (S. 3692) to provide for the control of the floods of the Illinois River and its tributaries, and for other purposes; to the Committee on Commerce.

By Mr. CALDER:

A bill (S. 3693) to incorporate the Siberian Veterans' Association; to the Committee on the Judiciary.

By Mr. KELLOGG:

A bill (S. 3695) to amend section 5219 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. McCUMBER:

A bill (S. 3696) for the relief of John H. Fesenmeyer, alias John Wills (with accompanying papers); to the Committee on Military Affairs.

REGULATION OF RADIO COMMUNICATION.

Mr. KELLOGG. I ask unanimous consent to introduce a bill to amend "An act to regulate radio communication," approved August 13, 1912, and for other purposes, and I also ask unanimous consent to print with the bill a memorandum explaining the various sections.

The bill (S. 3694) to amend an act entitled "An act to regulate radio communication," approved August 13, 1912, and for other purposes, was read twice by its title, and the accompanying memorandum was ordered to be printed in the RECORD, as follows:

The radio bill introduced to-day in the Senate by Mr. KELLOGG, of Minnesota, is indorsed in its substance by the recent radio conference called by Secretary Hoover at the instance of the President.

This conference held open sessions during several days. Many persons appeared before it and discussed various phases of the present situation in radio communication. At the conclusion of the open sessions a technical committee and a legal committee were appointed by Secretary Hoover from the members of the conference. The technical committee considered the technical and scientific problems involved in the suggestions made in the open sessions relative to wireless operation, both by telegraphy and telephony, and worked out detailed recommendations, which were submitted to the Secretary to aid him in regulating the transmitting stations of the country to the end that there might be the maximum of public service with the minimum of interference and resulting confusion and inefficiency of operation. The legal committee was charged with the task of framing a law which would permit and facilitate the putting into effect of the general views of the full conference and the specific recommendations of this technical committee.

The first draft of the pending bill, made by Mr. White, was submitted to the conference, which upon consideration approved it generally, but recommended a number of minor changes. These changes have been incorporated into the pending bill so far as the legal committee felt it possible to do so. This legal committee was composed of Mr. White, chairman; Senator KELLOGG; Mr. Tyrer, deputy commissioner of navigation, of the Department of Commerce; and Mr. Terrell, in charge of the radio division of the Department of Commerce.

The bill presented is not a comprehensive radio law. It leaves the act to regulate radio communication approved August 13, 1912, as the basic law upon this subject. It amends that law only so far as is deemed necessary to make possible the carrying out of the approved recommendations of the conference. Since this act of 1912 the use of radio has grown enormously. At the time of the enactment of that act wireless telephony was practically unknown. To-day the transmitting sets for telegraphy and telephony and receiving sets of both kinds number hundreds of thousands, and the manufacturing companies are still

pressed to the limit of their capacity to meet the increasing demands for instruments. Telephone broadcasting and the other uses to which the art has been put and the great numbers of users of transmitting sets have brought about a congestion in the air seriously interfering with the efficient use of the ether by any interest for any character of service. All persons concerned with radio are unanimous in the judgment that drastic action must be taken to bring order from the present chaos. This conference is of the opinion that the bill proposed holds out the promise of the solution of the difficulties which all users of radio now encounter and suffer from.

The radio art changes overnight. It is neither standardized nor stable. There is to-day no like activity attracting the attention of so many technical and scientific men as this. The research departments of the greatest technical companies of the country are engrossed in its study, and every amateur is a potential Marconi. Improvements in old methods and instruments and radical departures from accepted standards come with every passing day. The members of the conference recognized fully that the recommendations so laboriously worked out by its technical committee might be out of date, demanding drastic revision, in a month's time. In these facts is found the compelling reason for drafting the proposed legislation in most general terms. Statute law can not be speedily changed. It is vital that the provisions of the law and of the regulations thereunder be so framed that the regulations may be changed as the art itself changes. Of necessity there is no way of meeting this unprecedented situation except by conferring in general terms broad powers of supervision, of regulation, and of control upon the designated regulatory body. We have conferred upon the Secretary of Commerce, designated by the basic law of 1912 as the agency of the Government for the control of this means of communication, the powers required in the premises.

The bill, in addition to granting enlarged powers of regulation, undertakes to clarify certain ambiguities in the present law and adds to existing law a number of sections of minor consequence.

Sections 1, 2, and 3 of the pending bill are a redraft of sections 1, 2, and 3 of the radio act of 1912. There is no substantial provision in these sections of the 1912 act which is not incorporated in the present bill.

Section 1, A, does not change in any material respect the provisions of existing law. It asserts Federal control over radio communication between the several States and with foreign countries and requires that no such interstate or foreign communication shall be carried on except under and in accordance with a license granted by the Secretary of Commerce.

Section 1, B, is a vital paragraph of the bill.

The technical committee of the conference has recommended to the Secretary some 20 different classes of stations with appropriate wave allocations to each and has specified the nature of the service to which each class of stations should be limited.

This paragraph of the bill as drawn will authorize the establishment of various broadcasting services which are of such great interest to the public and will also permit all the other classes of service recommended by the conference to be established and safeguarded from improper interference. The 20 classes of stations recommended are not exclusive of others. They cover what seemed to the conference the most necessary to be provided for at this time. Others can be recognized if and as conditions warrant. The Secretary by its terms is authorized to classify licensed radio stations, to prescribe the nature of the service to be rendered by each class of stations, to assign bands of wave lengths, to make regulations concerning the location of licensed stations, the kinds of instruments to be used in them with respect to the external effects of the instruments, the time and methods of operating stations, and generally this paragraph gives authority to make any regulations consistent with law deemed necessary to prevent interference.

Many of the powers of regulation conferred in this section are given by the present law, but they are granted inferentially rather than by direct language.

It should be noted that this paragraph relates only to transmitting stations and to those for which a license is required. This is true of all other sections of the bill. The bill seeks to control sending stations only. The receiving set and operators are not affected.

The relation of the many stations owned by the various departments of the Government to private and commercial stations has presented a perplexing question. It must be conceded that if there is to be effective regulation it must be of all transmitting stations. Nothing is to be gained if a part only of the stations of the country are subject to regulation and another part are free to operate when and where and at such wave lengths as they please. If there is to be order at all, then all stations must be fitted into a regulated and ordered system. The military and naval branches of the Government in particular have contended vigorously and with much justification that their stations ought not to be subjected to civilian control. They have urged that considerations of national defense required that the military and naval stations of the Government must be located where military and naval requirements dictated and must at all times and in all respects be within their control. Private operators and commercial organizations engaged in this business have complained that the military and naval departments of the Government have been arbitrary and ruthless in their disregard of civilian rights and that to free such Government stations from any control meant that there could be no effective regulation of this means of communication in the interest of the general public.

Paragraph C of section 1 attempts to deal with these conflicting interests. It provides, in the first instance, that radio stations belonging to and operated by the United States and used exclusively for official business are not subject to either paragraphs A or B of this section. It provides, however, that the wave lengths which such Government stations use shall be allocated to them by the President. This provision is inserted because of the belief that the President is more likely to properly appraise the legitimate needs of military and naval stations than are the military and naval authorities themselves. It was felt that to the President could safely be given the power to say what wave lengths these governmental stations must have for their proper purposes. The conference was of the opinion that all wave lengths not necessary to these governmental stations should be reserved for general public use. The section further provides that such Government stations must observe such regulations aimed to prevent undue interference with others as the Secretary of Commerce may prescribe, with the further provision that the President at any time may suspend such regulations. The conference believed that Government stations used for other than strictly governmental business—that is, stations broadcasting jazz and speeches and other matter not official in character—should be subjected, in the interests of efficient communication for all, to the same regulation and control as private stations.

Paragraph D of section 1 authorizes the President in time of war or of public peril or disaster to cause the closing of any radio station or to authorize the use and control of any such station by any department of the Government. This provision is not new but is in existing law.

Paragraph B of section 2 is designed to make certain that licenses for stations shall not be issued to aliens or to alien interests. The existing law provides that a license shall be granted only to a citizen of the United States, but it does not guard against a license being issued to a citizen who may be the representative of a foreign government or of a foreign company or to a company of foreign ownership or control organized in the United States.

This subparagraph also prohibits the transfer of a license by the holder thereof without the consent of the Secretary of Commerce.

The concluding subparagraph of paragraph C is of general interest. There has been a somewhat prevalent belief, and there was some evidence to justify the opinion offered to the conference that certain large manufacturers of radio apparatus, through the ownership of essential patents, and through contracts with selling agencies and by other means, were unduly restricting the manufacture and sale of desirable apparatus. In view of this situation the committee believed that it was proper and in harmony with the general theory of the bill with respect to the issuance of licenses to specifically authorize the Secretary to refuse a license to any person or corporation which in his judgment was monopolizing or seeking to monopolize radio communication through the control of the manufacture or sale of radio apparatus. This subparagraph gives this power.

Paragraph C of section 2 vests the issuing of licenses, subject to the limitations of the act, in the sound discretion of the Secretary and limits the life of a license.

The existing law leaves it uncertain whether the issuing of a license upon application is mandatory or not. There was complete concurrence in the conference that the issuing of licenses should be discretionary. The existing law is silent as to the term of the licenses therein provided for. The practice is for the Secretary to issue licenses for one year, but there is nothing in the law to prevent him from issuing a license for 50 years or practically in perpetuity.

It is proposed in this paragraph of the bill to limit the life of a license to 10 years, with a privilege of renewal.

Paragraph D authorizes the Secretary to prescribe the form of applications for station licenses.

Paragraph E authorizes the Secretary to prescribe the form of the licenses, but requires that all licenses shall contain, in addition to other provisions approved by the Secretary, a statement of the condition that the ownership or management of the licensed station shall not be transferred in violation of this act, and that there shall be no vested property right in the license or in the bands of wave length authorized to be used. This provision is deemed to be important. In the present state of the art there are a limited number of available wave lengths. It is essential in the general public interest that the use of a particular wave length under a license therefor shall not ripen into a property right in that wave length as against the general public. It is intended by this provision to make certain that any person using a wave length may do so only during the life of his license, and only so long as the general public interest is served by the allocation of that wave length to him.

Paragraph F provides for the revocation by the Secretary of licenses under certain conditions. The existing law does not give in clear terms this power of revocation. It seems proper and altogether desirable that the Secretary should have ample powers in this respect.

Section 3 relates to operators' licenses. It provides for the issuance of such licenses to proper operators and for the suspension and revocation of the licenses in appropriate circumstances. Existing law provides that operators shall be licensed and also authorizes a suspension of the license, but the provisions in the present law do not seem adequate.

Section 4 of the pending bill is new. It provides in substance that the construction of a station for which a license is required shall not be begun until a permit for the building thereof is first obtained. The reason for this provision is in the fact that it would be extremely embarrassing for the Secretary to refuse a license to a company which had gone ahead and made an investment running possibly to $5,000,000 and which then made application for a station license. There might be many reasons why the license should not be issued, but the Secretary would be confronted with the assertion that the refusal to grant the license would entail the loss of the full investment. While the granting of a building permit does not obligate the Secretary to issue a station license, it is felt the requirement of a building permit for a station covered by this act will have a tendency to prevent ill-considered construction.

Section 5 is a new proposal. It authorizes the establishment of an advisory committee to which the Secretary of Commerce may refer for examination and report various matters relating to the administration of radio laws, regulations, and treaties, and to the scientific problems involved in radio communication. The recommendations of this committee are purely advisory. It is felt that such a committee will tend to bring harmony of view between the various departments of the Government interested in radio and between such governmental users of radio and the private interests of the country.

Section 6 is also a new provision. In the interests of safety at sea it requires that radiotelephone stations, the signals of which can interfere with ship communication, shall keep a licensed operator listening in on the wave lengths designated for distress signals during the entire time the transmitter of such telephone station is in operation.

Section 7 amends various regulations embodied in the existing law. One amendment is of general public interest.

Regulation 15 of section 4 of the existing law in effect gives to the amateur of the country a 200-meter wave length. It was insistently urged upon the conference by representatives of the amateurs that the status of the amateur given him by the act of 1912 should be reaffirmed and that the wave lengths allocated to him should be increased. The conference recommended that there should be allocated to the amateur a band of wave lengths between 150 meters and 275 meters. This has been done, and it is believed that amateurs throughout the country will approve the provision.

The other important provision is section 9, which provides a schedule of fees. These fees run from a nominal charge of 50 cents up to a substantial fee amounting to $300 for transoceanic station licenses.

It is not felt that these fees will be objected to by anyone affected thereby, for all users of radio recognize the benefits to this method of communication which will come through proper examinations and in-

spections and through a wise exercise of the licensing power. It is expected that these fees will cover the cost of administration of the law.

Mr. KELLOGG. The bill was prepared by a committee of experts called together at the request of the President by the Secretary of Commerce, men familiar with radio construction and service, some of them representatives of State universities who had been for a long time studying the subject. They drafted the bill. I can not state that it meets with my approval in every respect, neither am I familiar enough with the technical details to express an opinion upon it. I move that the bill with the accompanying memorandum be referred to the Committee on Interstate Commerce.

The motion was agreed to.

AMENDMENT TO HOUSE RIVER AND HARBOR BILL.

Mr. SHEPPARD (for Mr. FLETCHER) submitted an amendment providing for improvement work on the Suwanee River, from Branford, Fla., to Channel No. 4, near Cedar Key., Fla., intended to be proposed by Mr. FLETCHER to House bill 10766, the House river and harbor authorization bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILL AND CONCURRENT RESOLUTIONS REFERRED.

The bill (H. R. 9409) to amend section 5209, Revised Statutes of the United States, relating to penalty for embezzlement by a Federal reserve officer, agent, or employee, so as to include national bank examiners or assistants, was read twice by its title and referred to the Committee on Banking and Currency.

The following concurrent resolutions were referred to the Committee on Printing:

H. Con. Res. 36. Concurrent resolution providing for printing as a House document 1,500 copies of the Journal of the Fifty-sixth National Encampment of the Grand Army of the Republic; and

H. Con. Res. 59. Concurrent resolution providing for printing 3,000 additional copies of Senate Document No. 181, Sixty-seventh Congress, entitled "A letter of the Alien Property Custodian transmitting a report showing the names of all persons employed by the Alien Property Custodian."

ADDRESS BY SENATOR M'KELLAR.

Mr. SHEPPARD. Mr. President, I ask to have inserted in the RECORD in 8-point type an address by Senator MCKELLAR.

Mr. CURTIS. May I ask the Senator what the address was on? Was it a political address?

Mr. SHEPPARD. I consider it a matter of public interest. It covers his record in the Senate.

Mr. CURTIS. I am not going to object, but I wish to say that I think it is very bad taste for a Senator to print in the CONGRESSIONAL RECORD the record he has made and mail it out to the people. If anyone wants to do it I do not object, but I do not think it is in good taste at all.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

ADDRESS BY SENATOR M'KELLAR.

To the Democrats of Tennessee:

Deeply appreciative and profoundly grateful to you for having elected me to a first term in the United States Senate, I respectfully ask for a renomination for a second term to that office.

During the past five years I have been your representative in the Senate I have made service to the people of Tennessee my watchword. Have assiduously attended the sessions of the Senate. Have taken part in its debates, have been active before the committees and on the floor, have looked after all departmental matters intrusted to me by my constituents, have helped every Tennesseean having official business in Washington whenever applied to, and have at all times endeavored to the utmost of my ability to perform the duties of the office in a way satisfactory to the people of Tennessee.

My positions and votes in the Senate on all important questions arising in that body during the last five years, which years may be termed five of the most eventful ones in our country's history, have been widely published to the people of Tennessee, and I feel I need call attention to only some of the more important measures.

GENERAL LEGISLATION FAVORED.

I voted for and supported the resolution declaring war and every one of the measures passed by the Congress in furtherance of the war and stood by President Wilson and a Democratic administration in all leading policies throughout that great contest, and, indeed, at all times during his two terms of office.

Voted for the vocational training and agricultural extension act.

Voted for and supported the amendment providing for the election of United States Senators by the people and its corollary, the Federal corrupt practices act, by which limitations were placed around the expenditure of money in congressional and senatorial campaigns, primary and regular, and by which other safeguards were thrown around the ballot

Have favored all temperance legislation.

Have favored all farmers' legislation, notably the Federal farm loan act, the extension of the War Finance Corporation act, the farmers' cooperative act, the Bureau of Markets act, of which I was one of the authors, and the Muscle Shoals fertilizer project, and others, numbering in all some 50 measures.

Have supported legislation in the District of Columbia and elsewhere in the Government service regulating the hours of work of working women.

Supported the Federal Trade Commission act.

Voted for the Federal reserve bank system.

Have favored and earnestly worked for legislation granting Federal aid in the building of roads in the various States.

Have aided and worked for legislation granting Federal aid to schools in the various States, but without interference by the Federal Government with State and local control of such schools.

Have favored the vocational training act, the rehabilitation act, and all legislation for the relief of maimed, crippled, and sick ex-service men and all legislation for the benefit of ex-service men generally, numbering in all some 25 or 30 measures.

Voted for the 8-hour act.

Voted for the parcel-post law.

Voted for the extension of rural delivery.

Have favored all reasonable and proper labor legislation. I refer for details to my record in this regard which has been widely published.

Favored, during the war, the legislation authorizing the establishment of the great power plants and water development at Muscle Shoals, with a view of manufacturing nitrates for war purposes in the event of war, and for cheaper fertilizer to the farmers in times of peace.

Voted for and supported the amendment conferring the right of suffrage upon women of the United States.

Voted for suffrage ten times while in both branches of Congress, and afterwards went to Nashville and urged the Tennessee Legislature to ratify the amendment, and it did, thereby making the amendment effective.

Supported all child-labor legislation and believe that never in the history of our country has there been greater freedom from the evil practices of child labor.

Supported the United States ocean shipping act, and all measures for the building up of our ocean shipping.

Voted for and supported the soldiers' readjusted compensation bill.

Supported all river and harbor and levee improvements.

Served on the Postal Commission and many salary readjustments and other reforms and improvements have been made in the Postal Service through the work of this commission.

I voted against the recent Republican revenue act, against the so-called emergency tariff act, and against the Esch-Cummins Act. During all my term I have never dodged a vote nor evaded an issue.

SOME THINGS DONE IN TENNESSEE'S INTEREST.

While I have at all times actively interested myself in the great national questions that have come up during my term of office I have tried not to lose sight of the particular material and business interests of the people of my State, as I believed it my duty to do.

During the war I aided in securing the Park Field Air Service camp at Memphis, the great powder plant at Nashville, temporary additions to Fort Oglethorpe, near Chattanooga, known as Camp Greenleaf and Camp Forrest, a number of great war plants at Kingsport, and a wood alcohol plant in Wayne County. After the war was over aided in securing the retention of nearly all of these plants in Tennessee, where the most of them are now going concerns. Aided in securing a branch Federal reserve bank at Memphis and another one in Nashville, both of which have been great successes and of the greatest value to the commercial and business interests of the State. Aided in originating and in securing the Reserve Officers' Training Corps, now being utilized by so many of the schools and colleges of Tennessee, and to the great benefit of our youth.

Under educational bills, which I have aided in passing, being a member of the Committee on Education, Tennessee received last year and annually receives $271,445 more than hitherto, distributed generally in as many as 49 counties; the University of Tennessee, however, having the largest apportionment. Incidentally aid was given to Castle Heights School at Lebanon,

Branham & Hughes School at Spring Hill, the Military Institute at Columbia, Massey Military School at Pulaski, the Military Institute at Sewanee, the Military Academy at Sweetwater, Milligan College, and the Cookeville Polytechnic.

Under road bills for which I earnestly worked and which I had an active part in writing and in passing, being the ranking member of the Committee on Post Offices and Post Roads at this time, before which committee such bills come, there have been expended in or allotted to Tennessee the sum of $7,875,840.22 as Federal aid to roads throughout the State.

Have actively aided in securing appropriations for river and harbor improvements on the Mississippi, Tennessee, and Cumberland Rivers.

Recently I aided in securing an agreement by the Federal Government to purchase the Methodist Hospital, at Memphis, for the ex-service men of that locality.

While a Member of the House it will be recalled that I introduced the first amendment looking to the development of Muscle Shoals.

Also secured the passage of a bill which resulted in the erection by certain railroad companies of a great free-traffic bridge across the Mississippi River, connecting us with Arkansas, and, as I believe, the only bridge crossing that river which costs the taxpayers nothing. These constitute the leading measures of interest that I have actively, together with other Representatives, aided in securing for Tennessee.

My office during the war was a bureau for the soldiers and since the war has been a bureau for the ex-service men, and all claims of soldiers for compensation and otherwise coming to my office have been promptly and efficiently handled, as literally thousands of letters to me prove.

FUTURE POLICIES.

There are a number of important questions now before the Congress. As to these the Democrats of Tennessee are entitled to my views. I shall take them up in order.

HENRY FORD SHOULD HAVE MUSCLE SHOALS.

I am and have been, ever since the proposition was made last July, unequivocally in favor of the Government accepting the offer of Henry Ford to purchase the Muscle Shoals property. I have spoken for this contention a number of times in the Senate and elsewhere, and I shall leave no stone unturned to secure the passage of a resolution by the Congress accepting Mr. Ford's offer. I believe it will be of the largest benefit to the farmers generally, and that it will be of greater material benefit to the people of my State than almost any other one thing that could happen.

We have splendid phosphate beds in middle Tennessee. If Mr. Ford gets the plant, these phosphates will be used to make a complete and well-balanced fertilizer, to the great benefit of all those engaged in the phosphate industry in my State. With the cheaper power and light, new factories will arise in Memphis, Nashville, Chattanooga, Knoxville, and all near-by towns, and our State will become a great manufacturing State. The dam will make the Tennessee River navigable from Knoxville to its mouth, giving cheap freight rates for all products, especially phosphates and other fertilizers. Our country will no longer be dependent upon far-off Chile for necessary nitrates, and the War Department will no longer, at great expense, have to keep immense amounts of these Chilean nitrates on storage as now. The value to Tennessee and to the country of Mr. Ford's plans, if carried out, will be inestimable. Incidentally work will be furnished to thousands of those at present unemployed.

THE FARMERS FAVORED.

The condition in which the farmers of our State and of the country find themselves at this time is indeed deplorable. Whatever the causes may be the unhappy fact is that they are unable to sell their crops at prices paying them a profit on the cost of production. Indeed, they have frequently been obliged to sell below the cost of production.

I believe the Government should aid them in bringing about more tolerable conditions. Additional banking facilities should be afforded so that the farmers, live-stock raisers, and those engaged in other kindred industries might be better able to obtain loans at low rates of interest. The Federal farm loan act and the recent extension of the War Finance Corporation act, both of which I strongly supported, have been of value in aiding the farmers, but not to the extent which present conditions make necessary. The acts creating these instrumentalities should be amended and liberalized or other instrumentalities should be created by which loans at low rates of interest can be made to the farmers to tide them over the present emergency.

The cooperative marketing bill which has recently passed the Congress should prove of great aid to the farmers. The marketing of crops is vitally important to the farmers, and we must have facilities which will guarantee to them the fruit of their labor.

I favor, also, the establishment of agencies to finance the marketing of surplus food products abroad. There is no reason why our farmers should not find markets for their products abroad, except our lack of perspective and of enterprise in going out to get these markets. The doctrine of American isolation from world affairs may sound well on the hustings or in the Congress, but it is a hard doctrine on the farmers who have surplus crops which they can not sell.

I also favor the Government taking steps to bring about a substantial reduction in freight rates, for the benefit of the farmers, the freight charges on many products being greater than the prices received by the farmers for such products.

In building roads by aid of the Federal Government, farm-to-market roads as well as great through thoroughfares should be built. I was able to put such a provision in the recent road act.

The movement of population from country to city should be checked in some way. It has become a great national question, and the Federal Government should, wherever it is constitutional and proper to do so, use its best efforts to make country life more attractive. We can best accomplish this by making farming profitable. The farmer is intelligent and industrious, and fully capable of handling his own business. All on earth he needs is a square deal.

FAVOR COLLECTION OF INTEREST ON OUR FOREIGN DEBTS.

The nations of Europe owe us in round numbers $11,000,000,000. The Congress has recently passed an act directing the Secretary of the Treasury and four commissioners to secure interest-bearing bonds for this indebtedness. There has been for a long time a propaganda going on about the cancellation of this indebtedness. I am wholly opposed to its cancellation. I believe that bonds should be taken as soon as possible, and that either the interest, amounting to between four hundred millions and five hundred million dollars annually, should be covered into the Treasury and applied to the general or special expenditures of our Government, or that such bonds should be indorsed by our Government and exchanged for Liberty or other bonds of the United States now outstanding, so as to reduce our national indebtedness and thereby reduce taxes upon the people. If all the bonds are thus used, it would cut our national debt nearly in two.

We should give our debtors as long a time as they desire in which to pay the indebtedness. We should not be hard on them. Nearly all of these nations are spending enormous sums for armies and navies, and there is no reason why such expenditures by them may not be lessened and why they may not use a portion of their army and navy money for the payment of the interest on these debts which were contracted for the purpose of saving their countries. It is a false sentiment in America—a sentiment born of propaganda, in my judgment—that urges the cancellation of these debts. We have done enough for our European friends without getting any material return, and we should require them to observe good faith and fair dealing toward us in the payment of their just obligations, in the same way that we have been fair and just and generous to them.

LEGISLATION FOR EX-SERVICE MEN.

As to ex-service men, they received during the war $33 a month, $15 of which were deducted in most cases in allotments to dependent families and $6 in most cases for insurance, leaving the soldiers $12 net. But whether the amount was $12 or $33 all will agree this was exceedingly small pay, and the Government took their services and gave them no voice in fixing their compensation. I voted to draft these boys and I feel like we ought to be exceedingly fair to them. They did a great work. They saved civilization.

During and since the war the Government paid additional compensation to civilian employees amounting now to $1,080 apiece, aggregating perhaps $100,000,000. After the war was over the Government readjusted the pay of the railroads which had been taken over by it during the war, paying them hundreds of millions of dollars. It also readjusted the compensation of war contractors. The War Department alone paid those war contractors the sum of $487,000,000. The soldiers, of course, could not make war wages or war profits during their service, and civilians left behind made the largest profits and largest wages in their history.

Under these circumstances it must be manifest to all fair-minded persons that the soldiers have an equitable claim for a readjustment of their war compensation.

Therefore, considering the question as a matter of fairness and justice, I have long believed and still believe that the ex-service men are entitled to a readjustment of their compensa-

tion, and that the practical and economical way in which they may be paid such additional compensation is by giving to them a portion of the bonds that are now due us from foreign nations. If a provision was placed in the adjusted compensation bill now before the Congress providing that an amount not exceeding $1,500,000,000 of these bonds should be transferred to the soldiers in lieu of the cash provisions of such bill, we could give the soldiers what is justly due them, and at the same time not place additional tax burdens upon the people now suffering so greatly from overtaxation.

Of course I have supported all legislation for the wounded and sick ex-service men, and for the families of those who lost their lives.

FEDERAL TAXATION SHOULD BE REDUCED.

Our country is groaning under heavy burdens of taxation—Federal taxation, State taxation, and county taxation. Instead of finding new subjects of taxation and instead of placing additional burdens on old subjects of taxation, as our Republican friends are constantly suggesting, I believe that the Congress should rather apply its energies and abilities to reducing the expenditures of the Government, conserving its resources, collecting its obligations, and in these ways reducing taxation. Our expenditures are entirely too great. They can be cut down and they should be cut down. The sums that we now spend annually are extravagant and wasteful to a degree. We should collect every dollar that is owing to us, just as other nations do, and we should stop the reckless expenditure of the people's money. I pledge myself to work for a reduction of Federal taxation.

ADVOCATES FEDERAL AID TO ROADS.

Following the teachings of the great founder of our party—Thomas Jefferson—I have heartily favored the Federal Government participating in the building of roads in our country, and in the future I shall heartily support a continuance of this legislation. In his message to the Congress on the 8th of November, 1808, Mr. Jefferson said:

> Or shall it (the Government revenue) not rather be appropriated to the improvement of *roads*, canals, rivers, *education*, and other great foundations of prosperity and union *under powers which Congress may already possess*, or such amendment of the Constitution as may be approved by the States. (Jefferson's Messages, Nov. 8, 1808, Vol. I, p. 436.)

I believe that Mr. Jefferson was right when he urged that it was the best possible plan of building up our common country and of more firmly cementing and uniting the various States one to the other. Twice in messages to Congress while he was President, Mr. Jefferson urged that the Federal Government embark on road building, and this fundamental of democracy thus laid down by him I cordially approve and indorse.

FEDERAL AID TO EDUCATION A JEFFERSONIAN POLICY.

In advocating Federal aid to education, I am again following in the footsteps of Mr. Jefferson. He was virtually the originator of the public-school system and the State-university system. As will be seen in the excerpt of his message quoted above as to roads, he believed that Congress should be given specific authority to establish schools. I do not go as far as Mr. Jefferson in this particular, but I do believe that the Federal Government can and should aid the States in the education of their youth.

Under no circumstances, however, should it control or attempt to control the State authorities or local authorities in the management and control of the schools, and I shall never support any law which gives the Government control of such schools, public or private. Tennessee has, according to the recent census, 103,000 white illiterates. This is a blot upon the fair name of our State that should be removed.

OCEAN SHIPPING AND FOREIGN TRADE.

In the final analysis our prosperity depends upon our ability to sell our surplus products abroad.

As a result of the war, the United States is possessed of a basic merchant marine in the form of ocean tonnage second only to that of Great Britain. It is an asset that any nation may well be proud to possess. To scrap it, to discard it, or to dispose of it to aliens is uneconomic and unpatriotic. Also, as a result of the war, the production capacity of our fields, mines, and factories is largely in excess of our domestic needs, and if labor is to be kept employed and production maintained it is necessary for us to find foreign markets for our surplus products. To do this successfully we must become ocean carriers, as well as producers, and also buy the products we need from foreign countries to whom we would sell, and this exchange of products should be largely handled in American bottoms.

During the war a great fleet of ocean ships was built up. It is now, due to Republican mismanagement and inefficiency, largely idle. The Republican Shipping Board is endeavoring to sell it, and apparently is not making any effort to put it to work or to keep it at work. I think this attitude is a crime against our country.

The administration's latest program for merchant-marine legislation is somewhat complicated and far-reaching, and has not yet been digested. I shall carefully study this proposed legislation in the light of our economic needs and the national good.

Our foreign trade, which is so closely related to our ocean shipping, represents only about 12 per cent of our total commerce, but it is this margin of profit or loss that measures our prosperity or depression, and my energies will be devoted accordingly to its upbuilding.

FREIGHT RATES MUST BE REDUCED.

Railroad freight rates are too high. In many sections of the country and on many commodities rates are higher than the traffic will bear, thereby restricting the distribution of products, both agricultural and manufactured, to markets in near-by territory of consumption, with result that there is an undue accumulation of production on farms and in factories.

Adequate and efficient transportation is essential to commerce and prosperity, but the cost of its production should be lowered by efficiency in operation and administration, and freight rates should be lowered correspondingly, in order that the products of farms, factories, and mines may move more freely to a larger territory of consumption.

In the interest of the railroads, in the interest of the farmers, in the interest of the shippers, in the interest of the general public, I favor an early reduction of freight rates.

MILEAGE BOOKS SHOULD BE RESTORED.

The sale of mileage books interchangeable on all first-class roads at rates less than the regular fare should be restored, thereby accommodating and stimulating the use by commercial travelers of this pre-war form of transportation. The surcharge on Pullman cars is also a hardship that is restricting travel, and this charge should be modified or discontinued as early as practicable. Owing to the high rates, a great number of traveling men have been forced from the road. Now, every traveling man in the land is a traveling man not only for his own house but for the railroads, and nothing would do more to bring about a revival in all business, including the railroad business, than for the railroads to furnish mileage books to traveling men at reduced rates.

NEWBERRY SHOULD BE UNSEATED.

I believe in honesty in elections. As I stated before, I voted for the corrupt practices act. I regretted that our Supreme Court in the Newberry case saw fit to declare, by a majority of five to four, that so much of that act as applied to primary elections was unconstitutional. Mr. NEWBERRY was adjudged by the courts and a jury of his peers to have been in fact guilty as charged. The Senate itself found that he was in fact guilty as charged. I voted to expel him, believing that his primary election was corruptly purchased and that, whether the office cost $200,000, as he claimed, or $800,000, as others claimed, or any intermediate sum, that such sum was too great a price to be spent for a Senatorship. If I am reelected and the case comes up by a motion to reconsider, I shall certainly vote to have the case reconsidered and Mr. NEWBERRY expelled. Senatorships should not be directly or indirectly purchased.

OPPOSES THE DYER ANTILYNCHING BILL.

I shall oppose the Dyer antilynching bill as vigorously as I know how. It is an unconstitutional and vicious invasion of the rights of the States. I am opposed to lynching and favor the strict enforcement of the law in every case, but law enforcement in all such cases must be had by the States.

CONCLUSION.

In conclusion, I have at all times stood for what I conscientiously believed was right, have always stood for the fundamental principles of democracy as I understood them, and, as I have been taught to believe them, have always stood upon my party's platform, have loved and worked for my State and its people, and have given all my time, all my energies, and all my abilities to a strict performance of the duties imposed upon me.

If I have been faithless to my party or to the best interests of my State, if I have been inefficient in my service, if I have lacked in character and ability in the performance of the duties that have been imposed upon me, then I say it is the duty of the Democrats of Tennessee to vote against me and send a representative to Washington who can perform in a satisfactory and faithful way the duties of the great office I now hold.

On the other hand, if my fellow Democrats have found my service in the Senate to be efficient, if they approve my official

acts, if they indorse my record, if they believe that by reason of my experience that I can do good service, if they think that the high places on committees which have been awarded to me and which can not be held by a new man until after years of service will be to their interest, if they feel that my firm allegiance to the Democratic Party and to a great Democratic administration is deserving of their approval, if they believe I have been faithful in the discharge of my duties, I would regard it as the highest honor that has ever been paid me to have an indorsement for a renomination.

KENNETH MCKELLAR.

APPENDIX No. I.

WHAT SENATOR M'KELLAR HAS AIDED IN DOING FOR FARMERS.

Since I have been a Member of Congress the following are some of the farm measures that I have advocated and aided in passing:

1. To investigate and encourage the adoption of improved methods of farm management and farm practice.
2. For carrying out the provisions of the act establishing a Bureau of Animal Industry and to enable the Secretary of Agriculture to collect and disseminate information concerning live stock, dairy, and other animal products.
3. Providing for investigation and experimentation in the dairy industry.
4. Authorizing the preparation and dissemination of reports on animal industry.
5. For inspection as to contagious diseases of animals and their prevention and quarantine when necessary.
6. For investigating animal tuberculosis and its prevention, independently of or in cooperation with farmers' associations and State and county authorities.
7. For investigation and experimentation in animal feeding and breeding and husbandry, including cooperation with State agricultural experiment stations.
8. Providing for the development of live-stock production in the sugar-cane and cotton districts of the United States.
9. For collecting and distributing, by telegraph or otherwise, information as to supply, demand, commercial disposition, quality, and market prices of dairy and poultry products.
10. Providing for investigating the preparation for marketing, handling, grading, packing, pressing, drying, storing, transportation, and preservation of poultry and eggs.
11. Authorizing bulletins on hogs and cattle raising of the South.
12. For investigating the disease of hog cholera and its control and eradication.
13. For carrying out the provisions of the meat-inspection act.
14. Authorizing the Secretary of Agriculture to secure information as to the number of different classes and grades of marketable live stock.
15. For the investigation of plant diseases.
16. For investigation of insects affecting fruits, orchards, vineyards, and nuts.
17. For collecting and distributing information concerning the market prices and commercial movements of fruits and vegetables.
18. For investigation of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, and sugar cane.
19. Also potato, sugar beet, cabbage, onion, tomatoes, and peas.
20. For the investigation and improvement of cereals and methods of cereal production and study of cereal diseases.
21. To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act.
22. For the investigation and improvement of grades of alfalfa, clover, and other forage crops.
23. To enable the Secretary of Agriculture to investigate the relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes.
24. For removing the tariff tax on bagging and ties and agricultural implements.
25. Also aided in drafting the bill to establish the Bureau of Markets, giving valuable assistance and information to both producer and consumer.
26. Investigating and reporting on the utilization of water for farm irrigation.
27. To carry into effect provisions of the act to establish experimental stations in connection with the colleges established in the several States.
28. Authorizing the Secretary of Agriculture to enforce the provisions of the act providing for cooperative extension work between the agricultural colleges of the several States.
29. Authorizing the Secretary of Agriculture to make studies among the farmers of the United States in the matter of rural credits and other forms of cooperation in the various communities and to diffuse among the people useful information growing out of these studies.
30. For exploration and investigation to determine possible sources of supplies of potash, nitrates, and other natural fertilizers.
31. For investigating, demonstrating, and promoting the use of standards of the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, baling, marketing, compressing, and tare of cotton.
32. For farmers' cooperative demonstration, and demonstration of the best methods of meeting the ravages of the cotton-boll weevil.
33. Aided in passing the Federal farm loan bank system.
34. Aided in passing the Smith-Lever Agricultural Extension Act.
35. Advocated and aided in passing laws providing for the publication and distribution of Farmers' Bulletins.
36. Aided in passing the cooperative farm marketing act.
37. Aided in passing the extension of the War Finance Corporation act.
38. Aided in establishing the Farm Loan Board, under which loans are made directly to farmers at low rates of interest.
39. Providing that surplus Army trucks and other machinery left over after the war should be placed in the hands of the State and county authorities for the purpose of building roads.
40. Aided in passing the bill building ships by which farmers' products can be shipped in American bottoms all over the world.
41. Aided in putting the amendment on the Federal road act by which farm-to-market roads were provided for.
42. Legislation authorizing the establishment of the great power plants and war development at Muscle Shoals, with a view of manufacturing nitrates for cheaper fertilizers to the farmers in times of peace.
43. For all measures extending the rural free delivery law.
44. Aided in passing the parcel post law.

APPENDIX No. II.

SENATOR M'KELLAR'S RECORD ON SOLDIERS AND EX-SERVICE MEN.

I have uniformly favored all soldiers' legislation. Among the more important laws in which I have taken part in passing may be stated the following:

First. For additional pay to enlisted men in Regular Army and in the National Guard.

Second. For the creation of family allowances to soldiers during the war.

Third. For legislation building up the National Guard.

Fourth. For legislation authorizing additional pay to holders of medals of honor.

Fifth. For the discharge of those having dependents in certain cases.

Sixth. For the payment of $60 in cash to each soldier of the war honorably discharged.

Seventh. For the increase of travel pay to those discharged after March 11, 1918.

Eighth. For the retention of uniforms and other equipment by the soldiers.

Ninth. For the establishment of entertainment houses at all posts.

Tenth. For the law allowing drafted men to be assigned for special training to educational institutions.

Eleventh. For law making ex-service men eligible for commissions in the Regular Army.

Twelfth. For law making ex-service men eligible to officers' schools.

Thirteenth. For permitting soldiers abroad to mail letters free of postage.

Fourteenth. For permitting soldiers to retain civil-service eligibility until after demobilization.

Fifteenth. Authorizing hospital care for discharged, sick, and disabled patients of War Risk Insurance Bureau.

Sixteenth. For law giving wives of soldiers hitherto disqualified the right to serve as Government employees.

Seventeenth. For law protecting the civil-service rights of soldiers during the war, specifically providing that no attachment and no execution should issue against their property while away. Also providing that mortgages should be suspended and life insurance protected and no taxes paid.

Eighteenth. Providing that honorably discharged soldiers should have preference in clerical appointments in departments and also on work on rural post roads and in national forests.

Nineteenth. For law giving applicants for civil-service positions a preference in examinations.

Twentieth. For law establishing vocational training schools for ex-soldiers.

Twenty-first. For laws creating all necessary hospitals for soldiers.

Twenty-second. For law increasing pay for disabled, sick, and wounded soldiers.

Twenty-third. For law providing for rehabilitation of wounded and maimed soldiers.

Twenty-fourth. For appropriation for medical treatment of war-risk insurance patients.

Twenty-fifth. For medical aid, etc., for discharged and disabled soldiers.

Twenty-sixth. For preference in clerical employment of wives of injured soldiers.

Twenty-seventh. For preferred right for two years of discharged soldiers in the late war to make homestead entries on open public lands.

Twenty-eighth. For law providing that soldiers might go to school in France after the war was over in certain cases.

Twenty-ninth. I voted for the adjusted compensation bill when it was before the Senate.

Thirtieth. I have served on the Committee on Military Affairs during my entire terms in Congress, now about 11 years. I was in the service of the Senate Committee on Military Affairs during the war and have had much to do with the shaping and passing of all legislation for the benefit of soldiers. My office is and has been a bureau for Tennessee soldiers from the beginning of the war until now, where their claims are looked after and their wants attended to.

APPENDIX No. III.

SENATOR M'KELLAR'S RECORD ON WOMAN SUFFRAGE.

Women are permitted to vote in Tennessee and elsewhere solely and alone by reason of the passage of the suffrage amendment to the Constitution by the Congress of the United States. It is true there was a State law passed in Tennessee several years ago granting women the right to vote for municipal officers and for President of the United States, but they had no right under that law to vote for Senators and Congressmen. The point I wish to emphasize is that the women of Tennessee could not vote for United States Senator, but for the amendment to the Constitution of the United States, for which I voted and which I advocated.

I have advocated equal suffrage for more than 20 years.

I first voted for this amendment while a Member of the House on January 12, 1915.

After coming to the Senate, on May 6, 1918, I voted again for the amendment.

On October 1, 1918, I voted indirectly four times for the amendment.

On February 10, 1919, I again voted for the amendment.

On May 26, 1919, I again voted for the amendment.

On June 3, 1919, I again voted for the amendment.

On June 4, 1919, I again voted for the amendment, when it finally passed.

I was a member of the subcommittee of seven which drafted the Democratic platform at San Francisco in June, 1920, and voted for the resolution urging the adoption of the suffrage amendment by the States, and specifically urging that Tennessee adopt it. Thirty-five States had then ratified the amendment, and shortly afterwards the Governor of Tennessee called a meeting of the legislature for the purpose of having Tennessee become the thirty-sixth State. I was urged by President Wilson, Governor Cox, the Democratic nominee for the Presidency, and many others to go to Nashville and aid in urging the Tennessee Legislature to ratify the amendment. I spent about three weeks of my vacation there in thus urging the legislature to ratify. It was ratified by Tennessee, and Tennessee's ratification has been upheld by both the Supreme Court of Tennessee and the United States Supreme Court.

In the meantime, in addition, at invitations of the Legislatures of Delaware and Maryland and of the supporters of suffrage, made addresses before both of those bodies in 1920 favoring suffrage, using my vacations for this purpose.

I simply ask the women of Tennessee to remember that it is this constitutional amendment and no other law under which they are permitted to vote for a United States Senator.

WHITE HOUSE POLICE FORCE.

Mr. WARREN. I ask unanimous consent to report from the Committee on Public Buildings and Grounds favorably, with amendments, the bill (S. 3659) to create the White House police force, and for other purposes, and I submit a report (No. 760) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to its present consideration?

Mr. CURTIS. I do not like to object, but I think the bill ought to go to the calendar in order that we may see just what it is. I understand that it establishes a separate force——

Mr. PHIPPS. If the Senator will permit me, I should like to have the report read. It is very short.

Mr. CURTIS. I would prefer to study it myself.

The VICE PRESIDENT. Objection being made, the bill will be placed on the calendar.

Mr. WARREN subsequently said: Mr. President, the bill which I reported a few moments ago went over on objection. The Senator from Kansas [Mr. CURTIS], who made the objection, is willing to withdraw it, and I ask unanimous consent for the present consideration of the bill.

Mr. CURTIS. I withdraw my objection to the bill.

Mr. HARRISON. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill by title.

The READING CLERK. A bill (S. 3659) to create the White House police force, and for other purposes.

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

Mr. WARREN. I ask that the committee report on the bill may be read.

The reading clerk read the report (No. 760) submitted this day by Mr. WARREN, as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 3659) to create the White House police force, and for other purposes, having considered the measure, reports it to the Senate favorably, with recommendation that it be passed with the following amendments:

Page 2, line 22, after the word "force," insert the words "and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished the United States park police."

Page 5, line 10, after the word "and," insert the words "for the purchase of uniforms and other."

The purpose of this bill is to provide an efficient police force to guard the Executive Mansion and grounds, such force to be under the control of the President and under the direct supervision of an officer designated by him. The force is to be recruited from members of the Metropolitan police and the United States park police, and is to have the same consideration as to pay, retirement, and relief funds as those enjoyed by members of the Metropolitan and United States park police forces.

The committee recommends the adoption of the amendments providing for the furnishing of uniforms and other necessary equipment and providing pay for the cost of same.

The Executive Mansion and grounds have heretofore been policed by a force of 54 Metropolitan policemen, and the effect of this bill will be to reduce that number to 36 policemen, thus effecting a reduction of approximately 40 per cent in cost.

The VICE PRESIDENT. The Secretary will state the amendments to the bill.

The first amendment of the Committee on Public Buildings and Grounds was, on page 2, section 3, line 22, after the words "Metropolitan police force," to insert "and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished United States park police"; so as to make the section read:

SEC. 3. (a) That no person shall be appointed a member of the White House police force at a grade lower than the grade held by him as a member of the Metropolitan police force or of the United States park police force at the time of his appointment.

(b) A member of the White House police force shall receive a salary at the rate provided for the corresponding grade in the Metropolitan police force, and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished United States park police, and he shall be entitled to the same leave allowances as a member of the United States park police force.

(c) The President may transfer a member of the White House police force to the organization of which he was a member at the time of his appointment to such force.

The amendment was agreed to.

The next amendment was, on page 5, section 7, line 10, after the word "equipment" to insert "for the purchase of uniforms and other"; so as to make the section read:

That the amounts necessary for the payment of salaries and for the purchase of uniforms and other equipment of the White House police force shall be disbursed by the officer in charge of public buildings and grounds, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

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 and read the third time.

Mr. WILLIS. Before the bill is finally acted upon I should like to have some Senator explain it. What does it propose?

Mr. PHIPPS. Mr. President, primarily the purpose of the bill, as stated in the report which has been read, is to reduce the number of the police force which has been guarding the Executive Mansion and grounds since the beginning of the war. The proposed change is in accordance with the desire of the Chief Executive, and after due consideration on the part of those with whom he has conferred, presumably his Cabinet officers and others. The bill is designed to establish a force of policemen who will be under the direct control of the President of the United States instead of under the Commissioners of the District of Columbia. The present reduction of the force will be from 54 to 33 employees, but later it is expected that the force will be still further reduced.

Mr. WADSWORTH. I desire to ask the Senator from Colorado a question. As I understand, the policemen who are now assigned to duty in connection with the White House and vicinity are members of the District of Columbia police force?

Mr. PHIPPS. Yes; they are members of the Metropolitan police force.

Mr. WADSWORTH. And now it is proposed that they shall be segregated and taken away from the jurisdiction of the commissioners and put under the direct control of the Chief Executive?

Mr. PHIPPS. That is true.

Mr. WADSWORTH. May I ask the Senator if the number of District policemen are in the meantime being increased?

Mr. PHIPPS. I will say to the Senator from New York that in the expectation of having a separate force provided for the White House the increase in the number of Metropolitan police asked for by the commissioners, and generally recommended, was not granted in full. The pending District of Columbia appropriation bill carries an increase of 25 policemen, although 75 had been recommended and approved by the Budget.

Mr. WADSWORTH. That is the point I wanted to bring out. Then this bill will not result in a net increase in the number of policemen in Washington?

Mr. PHIPPS. Oh, no; it will not.

Mr. McCUMBER. Mr. President, will the Senator from Colorado explain to me why it is necessary or proper to have one class of policemen with one kind of uniform and one kind of badge, and another class of policemen wearing a different uniform and a different kind of badge?

Mr. PHIPPS. The uniform will be practically the same as that of the park policemen. We have Capitol policemen, who are not under the control of the District Commissioners and who wear on their uniforms the insignia, "U. S. Capitol police." It is simply to distinguish them and to indicate under whose control they are operating, as I understand. It takes close inspection to see the difference between the uniforms of the United States Capitol police and the regular Metropolitan police.

Mr. McCUMBER. If the difference in uniform merely consists of the letters that are to be worn upon the collars, that is one thing; but, as I understand, it is proposed to appropriate for an entirely different kind of uniform. I do not know whether it is anywhere nearer the same, and I do not know what is meant by an appropriation for uniforms, when, so far as anything that has been explained is concerned, the same kind of uniform which the policemen are now wearing may be used with a mere change of letters.

Mr. PHIPPS. That may be true; but at the same time the uniforms for the Metropolitan police are furnished by the District.

Mr. WARREN. This bill states that the uniform shall be the same as those of the park policemen.

Mr. PHIPPS. The bill has had very careful consideration during the past year by those who are interested in it. I believe the bill to be a good one, and it has received the approval of the committee.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

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 on agreeing to the amendment on page 84, line 11.

Mr. McCUMBER. Mr. President, I ask to return now to the amendment on page 72, line 21, paragraph 354.

The VICE PRESIDENT. Without objection, the Senate will return to paragraph 354.

Mr. McLEAN. Mr. President, on behalf of the committee, I move, in line 21, to strike out the numerals "50," between the words "dozen" and "cents," and insert the numerals "40."

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

The READING CLERK. On page 72, line 21, in the committee amendment it is proposed to strike out "50" and insert "40."

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

The amendment to the amendment was agreed to.

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

Mr. JONES of New Mexico. Mr. President, this is a rather unusual procedure. No explanation is being offered at all for the duties imposed by the committee. The increases are stupendous, and we are asked to vote without any information whatever. I can not conceive that Senators have any idea of just what these amendments propose. They are enormous increases. I think I shall first direct attention to the increases which are proposed in the first item of pocketknives.

The present duty on the cheaper knives is 35 per cent and ranges up to 55 per cent. Under the Payne-Aldrich law the duty averaged 76 per cent, and under the proposal of the committee on knives costing less than $3 per dozen the average duty is 186 per cent, and on all pocketknives of the different values stated in the paragraph the average duty is 165 per cent. I call attention to the fact that the duties imposed embrace not only ad valorem rates but also specific rates as well, and on knives that are valued at not more than 40 cents per dozen the duty is 2 cents each and 50 per cent ad valorem. On that class of knives there is absolutely no competition with any domestic manufacturer, for such knives are not made in this country. That is a cheap grade of knife costing less than 40 cents a dozen. They are knives that retail at 5 cents apiece, and to impose any such duty as is suggested will exclude such knives from the American market.

Senators may wonder what sort of a knife it is that can be retailed at 5 cents apiece under existing law in this country. I have a couple of samples of them here [exhibiting], and to impose this sort of a duty of 2 cents each, or 24 cents a dozen, and then add 50 per cent ad valorem duty to that, simply means that the American boy can no longer buy a knife of that kind for 5 cents. To Senators who are accustomed to dealing in millions and who have recently become accustomed to dealing in billions of dollars, perhaps this does not amount to anything. We are willing to overlook the boy who counts his pennies, and we are either going to take his pennies from him or deprive him of getting a pocketknife.

For the purposes of the boy of tender years, one of these knives is just as good as a better knife. It answers all the purposes, and there is not a boy of 6 or 7 years or even older who would not be pleased to have a knife of this kind rather than none at all.

That is what this amounts to. You have heard the slang expression about things being as easy as "taking candy from a child." I never before thought that the great United States Government, through the action of its Congress, through legislation, would undertake to deprive a child of candy, to take candy from a child to impose the extra pennies as a tax upon these knives and deprive the child of his few sticks of candy. That is what this bill will do. It will make these knives sell probably for a dime instead of 5 cents. It will take more pennies to buy one of these knives, and that is what we attempt to do in the name, I suppose, of protecting American industry!

As has just been suggested, the boy who uses such knives as this is not yet a voter. Some Senators present, I hope, will live until the present users of these knives become voters. They may remember, if they are properly advised as to the facts, how you deprived them when they were boys of getting a knife. There are a lot of boys in this great country of ours who struggle to get pennies. They sell newspapers on the streets trying to make a fraction of a penny profit on a paper. You find them engaged in doing other chores to get a few pennies, and you find even boys of maturer age doing various chores to get a few pennies, a few nickels, a few dimes.

Here is a product that is not manufactured at all in the United States, and the only result of this legislation will be to deprive the American boys of these cheap knives and have them keep on saving and saving their pennies until they can get together money enough to buy a knife which is produced in this country at a higher price. Of course, it will be a better knife, but this knife will answer the purpose of the boy just as well as the more expensive one.

Mr. President, I want to have a separate vote on these boys' knives, and I may say something regarding the price.

These knives are sold to-day at a higher price than they were prior to the war. A good deal has been said here about

the low prices of these foreign commodities; but in the case of these particular knives that I have shown you, this one knife in 1914 sold at 42 pfennigs a dozen, or 11¼ cents in United States money. That was when the mark was valued at 23.8 cents. By the way, the price list upon these knives which I have here is dated May 17, 1922; and those same knives now are quoted at 45 marks per dozen, or 16½ cents, and you propose to add a duty of 31 cents on these knives that cost 16½ cents, or at the rate of 190 per cent.

Here is another knife that cost in 1914 53 pfennigs, or 13 cents a dozen. The late price on that knife is 50 marks per dozen, or 18 cents per dozen. You are proposing to put upon that knife a duty of 34.8 cents a dozen, or 190 per cent, and no such knives are made in the United States.

Mr. President, on page 72, line 12, I move to strike out "2 cents each and," so that the duty upon these knives will be 60 per cent. I move to strike out the specific duty.

Having made these few rather caustic remarks, I presume now that we will be able to get some information on this subject from the other side of the Chamber.

Mr. McLEAN. Mr. President, I have a suspicion, and I think it is well founded, that Senators on the other side of the Chamber who have studied this schedule have had more information on it than they like, and that is one reason why the distinguished Senator from New Mexico [Mr. JONES] confined his objections to this paragraph to a 5-cent knife or a 2-cent knife. I do not know whether he had one in his possession or not. I will try to get one. I think if he had a sample of that knife he would vote for an embargo against any importations of that particular article.

Mr. JONES of New Mexico. I have a sample.

Mr. McLEAN. Because, if a boy has any knife at all, he wants one that will cut cheese, and I will assure the Senator that that knife will not do it.

Mr. President, before I call attention to the rates fixed by the committee, I want to give the Senate an idea of the condition of this industry.

There are 27 cutlery factories—that is, factories making pocketknives—in the United States. They are located in Connecticut, New York, Pennsylvania, Ohio, New Jersey, and Massachusetts. During the year 1921 they operated on a basis of one-third of production capacity. Of the 27 factories above enumerated, all but two have been engaged in the manufacture of pocketknives for many years, and the competition has been and is exceedingly keen in this industry. The 25 factories have a total investment of something over $7,000,000, and in 1921 they aggregated an operating loss for the year of $664,000. Sales dropped from $11,000,000 in 1920 to $3,800,000 in 1921.

Mr. POMERENE. Mr. President, may I ask what the source of that information is?

Mr. McLEAN. This is given to me by the gentleman who represents these concerns.

I will say to the Senator from Ohio that the figures of the imports of these articles show that this industry is being buried alive. Let us take the recent importations. The importations of pocketknives during the month of March, 1922, were 100,256 dozen, an increase of imports over March, 1921, of 56,000 dozen. For the nine months ending March 31, 1922, the importations of pocketknives were 644,000 dozen, an increase over the corresponding period of the year before of 326,937 dozen, or 103 per cent.

Mr. POMERENE. Can the Senator give the value of those knives?

Mr. McLEAN. I will give the value. I call the attention of the Senator from New Mexico to this, that, figured at the March rate of importations, the annual imports would total 1,203,000 dozen, or more than twice the total sales of American pocketknives during the year 1921. When we come to the more recent importations, we find that in April of this year there were imported 123,000 dozen, an increase of 25 per cent over the March imports.

I do not intend to occupy the time of the Senate a great while in explaining the necessity for these rates. They are not what the manufacturers asked for by any manner of means. Some of these concerns are located in Connecticut, and I was interested in getting them a reasonable protection. I told the committee that I wanted the experts who were familiar with this line of goods to get the prices, foreign and domestic, and equalize as nearly as they could the difference in the production costs. So far as I was concerned, that was all I asked for, and I want the Senate to understand that that is all I want as to any article contained in this tariff bill.

This particular industry, as I have said, is being destroyed, and unless something is done, and done right away, the manufacturers of these articles will be driven out of business, because it is evident that this industry in Germany is united. They have determined to make an onslaught on the penknives, the razors, and the scissors that we make in this country.

Mr. POMERENE. I want to ask the Senator whether he is able to give the amount of the imports for the several foreign countries, as, for instance, Great Britain, Germany, France, and so on; or are they lumped?

Mr. McLEAN. Most of them come from Germany. Of course, as the Senator knows, there are special knives which come from England, but the importations are few.

If the Senator from New Mexico has studied the Reynolds report—if it is reliable, and the arithmetic of the experts is correct—he knows that these rates are more than justified. Take, for instance, the first article in the Reynolds report. The foreign valuation is $4.48 a dozen. The American selling price of the comparable article is $12 a dozen, and so on down the list. I do not want to take the time of the Senate to read this list. The experts have gotten some more recent figures, bringing the averages down to date, and I will read some of those into the record.

Take table No. 1, which was prepared by the experts, and on that item No. 665.

Mr. POMERENE. Are these tables from the report of the Tariff Commission?

Mr. McLEAN. No; the figures were gathered for me by the experts.

Mr. POMERENE. The experts connected with the committee?

Mr. McLEAN. Certainly; the same experts who assisted the Senator from Alabama [Mr. UNDERWOOD] in drafting the rates in the Underwood-Simmons bill, so far as I know. I think they are conscientious men.

Mr. POMERENE. I am not criticizing them. I am simply asking for the information, so that we may know what weight to attach to them.

Mr. McLEAN. In the matter of item No. 665, the domestic landed price was $1.12 a dozen. The selling price of the comparable domestic article was $4.67 a dozen, so the difference would be 317 per cent.

Item No. 6066 is the pair of knives I have in my hand. The landed cost, without duty, according to the Reynolds report—which is the report, as the Senator knows, upon which we based our rates tentatively—was $5.75 a dozen. The landed price of that knife in April was $2.55 a dozen. Three hundred and fifty per cent would not cover the difference.

Mr. CALDER. The Senator referred to a higher figure of landed cost. When was the Reynolds report made? The Senator read two different landed costs.

Mr. McLEAN. The first was August.

Mr. CALDER. August, 1921?

Mr. McLEAN. Yes. The price of the domestic article comparable to this knife to which I have just called the attention of the Senate is $13 a dozen.

Here is another knife, No. 307. The landed cost, as reported in August, was $5.52 a dozen. The landed price of this knife in April was $2.02 a dozen. The price of the comparable domestic knife was $13.50 a dozen.

Mr. KELLOGG. Were those importations from Germany?

Mr. McLEAN. Yes; most of these importations are from Germany, and I do not know but what they all are. I would like to have the Senator from New Mexico look at the knives I have here on my desk, and if he will, I think he will realize that the comment which I made when I took the floor, that the only knife of which there is not a comparable article produced in this country and about which any complaint can be made, is the knife that is imported into this country at 25 cents or less per dozen.

I think it must be clear to the Senator that that cheap trash which comes into this country in the first place ought not to be permitted to come at all, but if it does it should bear the same comparative rate of duty that the other classes bear, and that is all we have asked for.

I could complete this list, Mr. President, and call attention to knife after knife. Here is No. 5611, the landed cost of which is $10.20 a dozen. The American selling price of the comparable article is $24.50. The landed price of the next one is $7.51 a dozen. The comparable domestic price is $17.05 a dozen.

I will say to the Senator that the profit allowed, both on the foreign knife and on the domestic knife, in estimating these rates, was 20 per cent. It has been brought to my attention, and I do not believe it can be disputed, that some of the large importing houses, like Henkel's, who have a large factory in Germany and a large store in this country, import these knives at not more than 5 per cent, just enough to cover the carrying

charges, and that as a result of this competition they have driven the American producer entirely out of the market. The domestic producers' storehouses contain large quantities of goods which they can not sell, and they will have to go out of business entirely unless they can get adequate protection.

Mr. JONES of New Mexico. Mr. President, I would like to argue this paragraph a part at a time. The Senator from Connecticut, in reply to what I had to say about this particular grade of knife, merely made the statement that such cheap knives ought not to be permitted to come into this country at all. That was his only reply, just as I assumed it would be. He wants to deprive the American boy of this cheap knife.

He may think that boys ought to have a more expensive knife, but I want to say that 73 per cent of all the pocket-knives imported into the United States have been valued at 50 cents per dozen or less. Somebody in the United States differs from the distinguished Senator from Connecticut. He has read of the hundreds of thousands of dollars of importations, but 73 per cent in quantity of all the knives that had been brought into the country prior to the war were knives such as I have exhibited at 50 cents a dozen or less.

Mr. McCORMICK. Mr. President, did the Senator say prior to the war?

Mr. JONES of New Mexico. Yes; prior to the war.

Mr. McCORMICK. Is the condition different to-day?

Mr. JONES of New Mexico. I think not, but we assume prior-to-the-war conditions as somewhat normal, and regarding that period the Tariff Commission made its report.

Mr. KELLOGG. I suppose the Senator will admit there is a difference in the rate of exchange as between to-day and prior to the war?

Mr. JONES of New Mexico. The Senator, of course, is quite right about that, and I expect to refer to that a little later. However, I think we might as well understand now as well as later the competition that exists in the cutlery business of the country. The people of the United States do not make any cheap knives—I mean very cheap knives. Therefore there is no competition. The Tariff Commission says so:

> Under the act of 1909 73 per cent of the knives imported were valued at under 50 cents per dozen. These are extremely cheap knives, retailing at 5 or 10 cents apiece.

As to those knives, as I said, there is no competition. Now, it is just a question whether or not we are going to deprive the American boy of that kind of a knife, those knives which retail at 5 and 10 cents apiece. The Senator from Connecticut will tell us that none of them are manufactured in his State or in the United States. He has already told us that the only thing to do is to exclude them from the United States.

Mr. McLEAN. Mr. President——

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

Mr. JONES of New Mexico. I gladly yield.

Mr. McLEAN. The 2-cent knife would cost about 5 cents without the duty. I imagine they would charge about that. With the duty they can sell that knife for 7 cents. So the American boy can buy a 7-cent knife now.

Mr. JONES of New Mexico. Now the Senator is changing his ground. I think the position of the Senator as previously stated is much stronger than his present position. He now says that he is willing for the American boy to have a knife, but he wants to make him pay more for it. That really is taking candy from a child. It is making him pay more for it—for what purpose? Not to build up an infant industry or any other industry, because he knows that knife will not be made in this country if he puts an extra tax of 2 cents apiece on it.

Mr. McLEAN. He can get a good American knife for 10 or 12 cents, something that he can whittle with. He can not whittle with this knife. He can get a good American knife for about 12 cents with which he can whittle.

Mr. JONES of New Mexico. I do not know whether the Senator has examined these knives or not. If he has, I think that he will conclude there are thousands and hundreds of thousands of boys in this country of ours who would rather have one of these knives than none at all.

Mr. LENROOT. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator from Wisconsin.

Mr. LENROOT. How much did the Democrats tax the boys for the knives which the Senator now exhibits?

Mr. JONES of New Mexico. My recollection is it was 35 per cent.

Mr. LENROOT. Was it not more than that?

Mr. JONES of New Mexico. No; 35 per cent.

Mr. LENROOT. Why did the Democratic Party tax this poor boy 35 per cent who can only afford a 5-cent knife?

Mr. JONES of New Mexico. It was done, of course, for the purpose of raising a little revenue.

Mr. LENROOT. Is it the idea of the Democratic Party that they would take the pennies of a boy who could not afford more than a 5-cent knife?

Mr. JONES of New Mexico. We did not take many of them.

Mr. LENROOT. Oh, but the Senator said 73 per cent of the imports were knives of that character.

Mr. JONES of New Mexico. Seventy-three per cent of the imports were knives of a value of 50 cents a dozen or less.

Mr. McLEAN. That was before the war.

Mr. JONES of New Mexico. May I ask the distinguished Senator from Wisconsin if he wants to take from the boy 2 cents on each one of these knives and 60 per cent ad valorem, when the present duty is 35 per cent? Does he want to increase the duty that much?

Mr. LENROOT. Well, if it was a crime, the Democrats approved of it. It is a matter of degree, that is all.

Mr. JONES of New Mexico. No; Mr. President, the distinguished Senator from Connecticut said that his purpose in putting the duty on here is to exclude the knives altogether and force the boy to buy the American knife at a higher price.

Mr. McLEAN. Certainly, I want the boy to have something he can cut with. I have two of those knives here now. I do not know whether they are similar to the pair the Senator has or not.

Mr. JONES of New Mexico. Very likely they are.

Mr. McLEAN. I think perhaps I had better take back what I said about these knives, because a boy could not cut his finger with them, and that certainly would be an advantage.

Mr. JONES of New Mexico. Mr. President, I do not suppose the Senator from Connecticut when he was a boy ever thought of the value of a penny. I do not suppose it was necessary for him to think about it. But I remember as a boy cutting a cord of wood of 4-foot length, cutting each stick in two, in order to get a dime. I remember cutting a whole cord of wood in order to get a dime!

Mr. McLEAN. And when he got the dime, why invite him to throw it away? That is the point. He is nothing but a boy. He does not know any better than to buy this stuff. He takes it home and, as I said before, the one thing that he can not do with it is to cut.

Mr. JONES of New Mexico. Mr. President, the Senator from Connecticut may convince some people, but I do not believe he is going to convince many that these knives are not worth all they sell for. That they are useful and answer a very good purpose is beyond question. The Senator is proposing a tax of 2 cents apiece on knives which were imported prior to the war at 11½ cents a dozen and now at a little over 16 cents a dozen. He would impose a duty of 2 cents each and 60 per cent ad valorem, making a duty of 190 per cent, which would result in taking these knives off the market. That is just what would happen. It would take them out of the 5 and 10 cent stores of the country.

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

Mr. JONES of New Mexico. Certainly.

Mr. LENROOT. The Senator has, because I have seen it, one of the knives to which the Senator from Connecticut refers. I want to ask the Senator whether he has tried to sharpen a lead pencil with that knife?

Mr. JONES of New Mexico. No; I have not; and I do not suppose it is ever intended for that purpose.

Mr. LENROOT. Does the Senator think that a boy should be induced to buy a 5-cent knife which will not even sharpen a lead pencil?

Mr. JONES of New Mexico. There is no question that he could sharpen a lead pencil with it if he wanted to do so.

Mr. LENROOT. I suggest that the Senator try it. I have been trying it, and can not do it.

Mr. JONES of New Mexico. The Senator is not an adept at sharpening lead pencils.

Mr. McLEAN. The Senator from New Mexico does not even want the boy to have a lead pencil, because I think he voted for a tariff on graphite, so that if he had his way the boy could not have any lead pencil to sharpen, and the knife would not do him any good.

Mr. JONES of New Mexico. If we take off this 2-cent duty he could have a knife and two pencils for his 7 cents instead of only the knife. The Senator perhaps never had occasion when he was a boy to think of the value of something of this sort. A great many Senators will remember the old Barlow knife. As just remarked by a Senator sitting near me, no matter what

kind of a knife the boy has, he is delighted with it, and there is no mistaking the fact. All the Senator has to do is to return in his memory to his own boyhood days. Any kind of a knife was the wish of the boy. Yet the Senator wants to take these knives out of the 5 and 10 cent stores of the country in order to force the boy to spend a quarter or more for a knife which he can lose just as readily as one of these knives.

Mr. McLEAN. He would not lose the knife the Senator is talking about. He would throw it away as soon as he got home, if not before.

Mr. JONES of New Mexico. The Senator says he would throw it away. Have the boys been throwing them away?

Mr. McLEAN. I have not any doubt of it.

Mr. JONES of New Mexico. Seventy-three per cent of the knives imported are of this quality, and yet the Senator says they are thrown away. That is his guess. Of course he would throw it away. Doubtless he was more fortunate in his boyhood days than hundreds of thousands of other boys, but the boys whom I have known do not throw their knives away. I never knew a boy yet to throw any kind of a knife away.

Mr. McLEAN. No; he would probably swap it "sight unseen" to some other boy and they would both be decidedly cheated in the exchange.

Mr. JONES of New Mexico. That is what is going to be done. You are going to take that knife off the market and deprive the boys of the opportunity to get a 5 or 10 cent knife.

Mr. McLEAN. The Senator insists upon misrepresenting the exact facts regarding that matter; for that 2-cent knife may be sold for less than 7 cents to the boy and still allow a profit under the proposed rate, so that when the boy has a dime he can buy a knife and a pencil also under this bill.

Mr. JONES of New Mexico. If he has 7 cents instead of 5 cents.

Mr. McLEAN. Yes.

Mr. JONES of New Mexico. Mr. President, the argument of the Senator from Connecticut does not appeal to me. At this point I think I might just as well discuss somewhat generally the knife question. The Senator from Connecticut has already done so. The competition in knives is confined almost entirely to two grades.

I think I will read from the Tariff Commission Survey in regard to the matter.

> The most marked difference between the product of the American manufacturers and foreign knives sold upon the American market is the difference in grade. The great bulk of the imported knives are of the cheapest grade—those scheduled below 50 cents per dozen—in which the American manufacturers do not compete. Under the act of 1909, such knives formed 73 per cent of the quantities imported and 34 per cent of their value. This import is thus supplementary. Approximately $515,000 yearly fell under the higher classifications made by this act—about 12½ per cent of the value of production in 1914. Forty-two per cent of the value of the total import was valued at over $1.25 per dozen under that act; 58 per cent at over $1 per dozen under the act of 1913, to June 30, 1918.

As to this particular knife, as I have said, there is no competition, nor is any competition claimed. The great competition comes in the higher grade knives. The medium grade the American manufacturer produces in great quantities, using machinery in a great many ways and turning out a good knife at a reasonable price. I am not going to ask to have these duties removed; I am perfectly willing to have reasonable duties upon cutlery, but we do not want the duties to be excessive.

The Senator from Connecticut has referred to the fact that according to the prices even the proposed rate of duty will not be sufficient to equalize the difference in the prices. He is right about that if the prices remain where they were when those samples were imported into the United States.

Before we discuss that matter, however, I am inclined to take a vote; but it occurs to me that perhaps several Senators are at dinner at this time; and so I think I might as well proceed with the discussion.

The Senator from Minnesota [Mr. KELLOGG] has referred to the difference in exchange. I should like to say a few words about the question of the difference in exchange. The German mark to-day is worth about one-third of a cent. Its par value is about 23.8 cents. It does not follow, however, that that means that goods in Germany are worth one-sixtieth or one-seventieth of the price of goods in the United States. It does not mean that at all. The important question is the purchasing power of the mark in Germany. If wages had gone up as fast as the mark has declined, then it would make no difference whatever whether or not there was a depreciated currency.

Mr. KELLOGG. Will the Senator yield to me?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. KELLOGG. The Senator knows that wages have not gone up there, does he not?

Mr. JONES of New Mexico. Wages have not gone up to that extent, but the wages have gone up and are still going up.

Mr. KELLOGG. But wages in Germany are very small in proportion to the wages paid in this country, are they not?

Mr. JONES of New Mexico. Well, of course, "small" is a relative term and is rather indefinite.

Mr. KELLOGG. Men who receive $3 or $4 a day here would earn in Germany about $3.50 or $4 a week, would they not?

Mr. JONES of New Mexico. I quite agree that there is a vast difference between the cost of production of pocketknives in this country and in Germany.

Mr. KELLOGG. Will the Senator also tell us whether or not it is true that the purchasing power of a mark in Germany, so far as living expenses are concerned, is about three times as great as its purchasing power in buying gold?

Mr. JONES of New Mexico. No.

Mr. KELLOGG. It is not true?

Mr. JONES of New Mexico. If the Senator means in buying the gold metal, he is right about that.

Mr. KELLOGG. So that a mark in Germany can buy in rent and clothing and food a good deal more than it will buy of gold?

Mr. JONES of New Mexico. Yes. And it is that purchasing power of the mark that measures exchange difficulty.

If the prices of goods go up so that you can buy only a proportion that represents absolutely the decline in the mark, you have not accomplished anything, but what we have to consider is the difference in the purchasing power or rather what is called the purchasing power parity of the mark in Germany and in the United States.

Mr. SMOOT. And that only aggravates the situation, I will say to the Senator, because if one mark of German goods comes into this country it represents one-third of a cent in gold—and I could say a hundred marks or a thousand marks and the illustration would be the same—but if the German can get one-third of a cent in gold he can take that one-third of a cent in gold and purchase in Germany three times its American value in labor, three times as much in rent, three times as much in food, three times as much in clothing, and three times as much of any other commodity the price of which is regulated by the Government of Germany. To-day he can purchase a little over three times, I will say to the Senator. Therefore, the German laborer has every advantage in the world over the American laboring man, because not only is the mark depreciated until it is only a third of a cent, but with that third of a cent the German manufacturer can buy three times the value of the mark in gold.

Mr. JONES of New Mexico. The Senator, I am sure, has his reasoning mixed. The scientists who have studied this question and worked it out and expressed themselves on the subject take a different view from that of the Senator from Utah.

Mr. SMOOT. I have a letter from the greatest statistician, I think, in Germany, in which he outlines the whole situation and states exactly what they are doing in Germany and what the conditions there are.

Mr. JONES of New Mexico. I have here a periodical issued by the United States Department of Commerce—and it is the latest report from the department on the subject—and, while it is not prepared by Mr. Klein himself, there is an introduction to it by Mr. Klein, who is the head of the bureau, and here is the reasoning of Mr. Klein on the subject:

> The ability of Germany to underbid competing nations in the world's market has been largely due to the situation of the German mark. The common belief is that the depreciation in the exchange value of the mark below the gold parity is responsible. However, a more detailed study of German prices proves that the advantage which the German manufacturers have enjoyed in export trade is derived not from the fact that the current exchange rates for the mark are low as compared with the gold parity, but that the rates are low with respect to the purchasing power parity.

Mr. SMOOT. That is exactly what I have stated. I approve every word of that statement. It is not the one-third of a cent of gold which the German gets for one-third of a cent of goods exported to the United States; that would not cause so much difference. The difference comes when they get that one-third of a cent in gold and then buy one cent's worth of food, clothing, labor, and rent in Germany. Therefore, the American laboring man does not only have to meet the competition with the one-third of a cent in gold, but he has to meet three times that amount because, under the laws and regulations in Germany, the German laboring man receives three times the gold value, and, therefore, to begin with, the American laborer is at a disadvantage to that extent.

Mr. JONES of New Mexico. I believe now that I understand the position of the Senator. I did not understand him a while ago. What the Senator has now said, if I understand him, is in agreement with my own thoughts on the subject, that the advantage in the export trade by reason of the depreciated mark is not due simply to the difference in exchange but to the difference in the purchasing power.

Mr. SMOOT. Absolutely; and that is against the American laboring man wherever that purchasing power is greater than the gold value of the mark.

Mr. JONES of New Mexico. I did not understand the Senator awhile ago, but I do now, and I agree; our minds are in accord on the subject.

I proceed with this for the benefit of those who have not given some thought to the question. Beginning where I left off—

The latter—

That means the purchasing power parities—

are found by comparison of the internal purchasing power of the mark in Germany with that of other currencies in their respective countries and therefore represent the real exchange value of the mark.

The exchange of the goods purchased by using the mark.

The external value of German currency, determined on international money markets and fixed day by day by the transactions and agreements of buyers and sellers of marks, fluctuates widely in comparatively short periods of time, due to political as well as economic causes. The internal value of the mark in Germany depends largely on the relation between the buying power of the German public as expressed in marks and the amount of goods offered for sale. The manufacturing cost in Germany depends, of course, on this internal value. The external and internal values of the mark do not remain the same. A rapid fall in the external value of the mark is accompanied by a much slower increase in wages and other production costs. There is, therefore, a lag between the external and the internal value. The advantage of the German manufacturer and exporter is derived from this lag, which is accentuated by another very important factor, namely, direct and indirect subsidies to industry—

Such as the maximum rent law and the grain subsidy and low transportation rates on the street railways, and so forth. These subsidies are causing the huge Government deficit.

The essential point to be remembered is that this condition, with its corresponding advantage to the German exporter, is a temporary one. On the one hand, the continued depression of the German mark below the purchasing power parity will bring the country into complete bankruptcy. On the other hand, a reorganization of German finances, necessitated largely by reparations demands, will bring with it stability of German currency. As soon as this occurs an internal readjustment will take place in which the internal and the external value of the mark will tend to be equalized. Then the advantage now held by German manufacturers will largely disappear.

Mr. President, I have referred to that for the purpose of getting before the Senate the fact that this advantage derived from the difference in exchange is necessarily a temporary one. As to a great many commodities in Germany now, the German mark is above parity. The price of the goods measured in marks at the international exchange price has risen above the difference in the exchange; or, in other words, while the mark has depreciated in an international sense to the extent of about one sixty-seventh of its former value, the prices as measured in marks in Germany of a great many of these commodities have increased in a greater proportion than the mark has fallen in the international market, and an equilibrium will be found sooner or later. When the lag stops, then the advantage to the exporter from this difference in exchange ceases, and it is ceasing rapidly.

Mr. SMOOT. The Senator will admit, however, that that never can take place until Germany repeals her laws regulating the amount that shall be paid for rent, for food, for clothing, and for labor.

Mr. JONES of New Mexico. That is quite true; and those subsidies, so called, are being removed right along. Transportation costs are increasing in Germany, and as new houses are being built in Germany they are not rented at the pre-war mark prices.

Mr. SMOOT. They are rented the same under the law, because there has been no change in that law, nor will there be any change in the rent schedule until Germany repeals the law.

Mr. JONES of New Mexico. Of Course, the Senator is right about that.

Mr. SMOOT. So it is with labor; so it is with clothing; so it is with food; and so it is with rent.

Mr. JONES of New Mexico. Oh, the Senator knows that those subsidies are being changed right along. The price of bread has increased.

Mr. SMOOT. That depends upon the price that the Government pays for those articles from abroad. If the Senator has read the law, he will know that; and the only reason that they have changed is because of the fact that the price of the commodity itself, or the article that enters into the commodity, has changed in a foreign country, and it is always based upon the value paid, either for the article—in the case of bread, of course, it would be on flour, because the bread is never imported, but the flour is—it is based upon the value that the Government of Germany had to pay in gold for that product. The basis of the law itself has not been changed, but there is the change that I have stated, and, of course, that change applies to all the world in the case of flour, we will say, or wheat, or commodities of that kind.

Mr. JONES of New Mexico. They are changing those prices right along. The cost of food is increasing right along; the whole index of living is increasing right along, and rapidly, by leaps and bounds; and there are only a few things where the Government absolutely fixes the price to the home purchaser. The cost of living in Germany is increasing, as I say, by leaps and bounds, and I shall be glad to give some figures on the subject.

Mr. SMOOT. If that is the case, it has been very recently, Mr. President, because I have a brother-in-law living in Germany now, and I get a letter from him about every month, and he takes particular pains to let me know just how they are living, and also conditions in Germany generally, and the price of goods; and if that is the case, I will say to the Senator it is since I received the last letter.

Mr. JONES of New Mexico. I will give the dates and the figures. Even this periodical which I have here, from the Department of Commerce, does not undertake to come up later than 1921, but in regard to wages themselves, wage earners in the building industry in 1914 received 65 pfennigs per hour. In July, 1921, they received 700 pfennigs per hour, and in December, 1921, 1,300 pfennigs per hour.

I do not mention that for the purpose of contending that they are receiving high wages, but what I do mention it for is to show the enormous increases in marks, in their home money, which are going on. I am not going to contend that the laborers in Germany are receiving high wages, measured in commodities at home or abroad. I do not intend to make that contention; but what I am contending for is that this situation is merely temporary, that it is moving rapidly toward that equilibrium of prices and purchasing power which existed prior to the war.

Mr. SMOOT. It would have to change very rapidly when we find that draftsmen and helpers, assistant photographers, and laboratory assistants are now receiving $6.19 a month. That is about the same as that class of labor receives in the United States in a day, and this is a statement that I have received from our Department of Commerce; and it is so startling in its nature that I do not want to make it public until I have had it checked up, because I can hardly believe that these figures are correct. Therefore, before I make them public, I want the Department of Commerce to recheck every one of them to see that there is not some mistake in them.

Mr. JONES of New Mexico. There is no question but that the wage laborers over there are receiving small wages measured in money and measured in the necessities of life. There is no question about that; but so far as this difference in exchange and in purchasing power is concerned, what I am contending for is that they are rapidly approaching normal conditions.

Here is just what is occurring as to the cost of living:

If we take 100 as the average index basis for the year 1920 we find that in October, 1921, that index number was increased to 184, nearly 100 per cent; but, now, mark the very rapid increases following October, 1921.

In November it increased to 249; in December to 303; in January, 1922, to 320; in February to 352; in March to 435; in April to 525.

That referred to the wholesale prices. The index of retail prices of common commodities in the budget of a family of five, taking 1904 as 100, shows that in October, 1921, it had increased to 1,146; in November to 1,397; in December to 1,550; in January, 1922, to 1,640; in February to 1,989; in March to 2,300.

Mr. SMOOT. Compared with 1914?

Mr. JONES of New Mexico. Compared with 1914.

Mr. SMOOT. Then, to make it equal, instead of 2,300 we would have perhaps 6,800.

Mr. JONES of New Mexico. About 6,700. But the Senator will observe the rapidity with which it is increasing. For instance, since October, 1921, up to March, 1922, it had doubled in those few short months.

We find that some commodities have gone up more than that. That is, the general index cost of living we have been talking about, the cost of living a good many items of which are within the subsidy, and, of course, have not increased as much as commodities that are not governed by a subsidy or controlled by the Government.

Take hematite iron. The pre-war price was 79.50 marks. January 1, 1919, it was 314.5 marks; May 1, 1920, it was 2,350.5 marks; then in May, 1921, it was 1,816 marks; November 1, 1921, it was 2,700 marks; December, 1921, it was 3,891 marks; March 1, 1922, it was 4,744 marks; April 1, 1922, it was 6,264

marks. That 6,264 marks is over pre-war prices 18 per cent, after allowing for the full difference in international exchange.

As to pig iron No. 1, it is 13 per cent above the pre-war price, after making full allowance for the difference in international exchange.

Pig iron No. 2 is 16 per cent above; and when we come to ingots we find they are 30 per cent above; blooms, 33⅓ per cent above; and sheet bars are 26 per cent above. All of those metal commodities have more than recovered the difference in the exchange and reached prices beyond.

The same thing is true in regard to coal. The price of cotton yarn is more than a hundred times its pre-war price. The same may be said of cretonne.

So, Mr. President, these prices are fast finding their levels. Here is the list of prices of building materials. It would be illuminating to show these very rapid increases, but I will not take the time to read them now, but merely ask that they be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of New Mexico. My purpose in developing this thought to the extent I have done is to show that it can be demonstrated that the duties levied in this bill do not meet the German situation. The cost of labor over there is very low. The prices of the articles cited by the Senator from Connecticut are very low. The Senator from Connecticut will not contend that even the rates proposed by this bill are sufficient to meet the difference in the cost of production in Germany and in the United States. I ask him if he does so contend?

Mr. McLEAN. I stated that the rates which have been recommended by the committee do not equal the difference in the production costs here and abroad. They approximate it, but they do not equal it.

Mr. JONES of New Mexico. Do they even approximate it?

Mr. McLEAN. Yes; as to some of the numbers of knives, they do. The Senator knows that for some reason the prices of these articles have decreased since last August, and I have a report of the wages paid laborers in Germany who are engaged in making these knives. The Senator knows that in the report of the Tariff Commission they say:

> The structure of these knives is complicated, and they are demanded in almost endless variety. In addition, the industry is one requiring highly skilled hand labor which commands higher wages than are paid in Europe. The nature of the product, which largely resists the use of machine processes, renders inapplicable our characteristic advantages in production.

The report which I have, which is dated last month, May 22, states that in the manufacture of these goods the German cutler gets 960 marks per week. From this must be arbitrarily deducted a Government tax of 10 per cent, and in addition 22 marks for health and accident insurance, a total deduction of 118 marks. This makes the net weekly wages of the best grade of German workmen $2.95. That report was made in May.

Mr. JONES of New Mexico. I am quite convinced that if you put it upon the basis of actual cost of production of some of these lines of goods in Germany, these rates will not make that difference, that there is a much greater difference than indicated in some other lines. The Senator indicated prices varying 300 and 400 per cent. These duties proposed do not amount to 300 and 400 per cent.

Mr. McLEAN. We believe, as the Senator from New Mexico believes, that conditions will change somewhat, and for that reason we have not put these duties as high as conditions would require if we wanted to give complete protection. We hope that the German people will be permitted to earn more, and so consume more, and have more than they have now. We want to help them in every way we can, but as long as they are willing to work for "rag" money, we have to protect ourselves in a degree, and hope that the time will come when they will see the folly of doing that, and that the wages will be comparatively increased.

Mr. JONES of New Mexico. Mr. President, it appears that as to some of the goods imported the difference in prices amounts to 300 and 400 per cent. These duties do not amount to that much. Therefore you do not meet the situation by the imposition of even these very high rates of duty.

Mr. McLEAN. If the Senator will offer an amendment raising them, I think he will get some votes on this side of the Chamber.

Mr. JONES of New Mexico. I expected just some such remark as that. My reply is that that is not the remedy at all. We are importing cutlery from England. We are importing it from France. I ask the Senator if the duties proposed by the bill will not be prohibitive so far as England is concerned?

Mr. McLEAN. The Senator must know that under existing conditions any rate that will give adequate protection against Germany and Austria and those central European countries will operate as an embargo against the cheaper grade of goods from England. Of course, there is cutlery which comes from England which people in this country will have no matter what it costs.

Mr. JONES of New Mexico. I think the Senator has made the correct answer.

Mr. KELLOGG. I did not understand the Senator from Connecticut to say that these would operate as an embargo on England.

Mr. McLEAN. On this class of goods. Of course, we can not get complete protection against German goods.

Mr. KELLOGG. What the Senator intended to say was that a duty operating as a complete protection against the Germans would be an embargo.

Mr. McLEAN. Certainly; that is the answer I intended to give.

Mr. KELLOGG. I did not understand the Senator to say that the duties the bill imposes would act as an embargo.

Mr. McLEAN. This cheap ware does not come from England. They make good stuff, and especially in the middle western part of the country. Anybody who wants a Sheffield knife will have it no matter what it costs, and I presume there are jackknives made in England which people will have no matter what they cost.

Mr. JONES of New Mexico. If I understand the Senator, he means that the duties proposed by the committee are sufficient to amount to an embargo against England and France as to most of these goods, but they are not sufficient to give protection against Germany. I think that is an accurate statement of the situation.

Mr. McLEAN. I call attention to the fact that of course these cheap knives are not made in France or England.

Mr. JONES of New Mexico. The Senator is correct about that. As to these cheap goods, they are made only in Germany.

Mr. McLEAN. I think in some of these lines probably the Englishmen would import some goods here, but what we have to do is to protect our manufacturers against the flood of German goods which is coming.

Mr. JONES of New Mexico. Now, Mr. President, let us see whether such a procedure is necessary. Let us see whether it is advisable or not. If there were no other forces at work, these duties would not do that; they would not prevent the flood from Germany; but there are other forces at work which prevent such floods because the flood is not here. It is now three and one-half years after the war, and if there were not other forces at work, the flood would be here, but it is not here. There are other reasons for it.

Germany is prostrate in many ways, the general impression to the contrary notwithstanding. Germany has not been able to produce as much of commodities since the war as she was producing before the war. She is able to produce only about one-half of what she was producing before the war. Her export trade does not begin to reach the pre-war amount. There are forces there at work to prevent this, which regulate this, besides the mere differences in costs. They can not produce at any price any great flood of goods for export.

Mr. McLEAN. The Senator is not now talking about cutlery?

Mr. JONES of New Mexico. I am talking a good deal about cutlery.

Mr. McLEAN. Does not the Senator think that an importation of 1,203,000 dozen exceeds the importations of any year in the history of the country?

Mr. JONES of New Mexico. As to the amount, the Senator is right. I should not have applied it to cutlery alone. What I contend is that they have to import a lot of things about these knives. They have to import the handles and some of the metals that go into the manufacture of the knives. They can not get the coal, they can not get the steel, which they had before. The large importations of knives which have come in since the war doubtless have come largely because the shelves of this country were depleted and there was a greater demand in the country for them. But the Senator knows that Germany is not flooding this country with goods ordinarily. Her exports to this country are not what they were before the war.

Mr. McLEAN. If we undertake to discuss every schedule in the tariff bill when we are discussing each paragraph as we take it up, if the discussion of each paragraph is to involve a discussion of all the other schedules in the bill at the same time, I can imagine it will be some time before the bill passes. Of course, I realize the Senator's purpose in discussing these other matters. That is very evident. He discusses them very well. But he must not expect that members of the committee or Senators on this side of the Chamber will engage in a discussion of all the items in the bill as we come to each schedule or

each paragraph, and in addition to that discuss all the other public questions which are now involved in our legislation and which interest the American people.

Mr. JONES of New Mexico. I can quite understand how the Senator from Connecticut, as well as others, gets very tired of hearing the truth and having it applied to the industrial conditions of the country. I can quite understand that.

However, while I am upon this subject I want to call attention to a statement with reference to the situation. I have a recent statement here which brings these matters up to the end of the first quarter of 1922. The statement has become current. It says:

The bugaboo of the United States being flooded with cheap imports from Germany is one that is not substantiated by the figures. Our imports from Germany in 1913, the last peace year, were $190,000,000. In 1920 those imports had sunk to $89,000,000 and in 1921 to $80,000,000. Meanwhile exports from Germany have recovered. They amounted to $345,000,000 in 1913. They have rebounded to $311,000,000 in 1920 and $372,000,000 in 1921. The volume of exports to Germany in 1921 was less than in 1913—

That is, the volume—

because the 1921 price level was some 50 per cent higher than before the war. This heavy preponderance of exports continued in the first quarter of 1922, when we imported $26,000,000 from Germany and exported $86,000,000 to her.

The writer of the article makes this comment:

The real problem is to get German imports moving to this country in sufficient volume to pay for more of our exports.

I have referred to these general matters merely for the purpose of laying the foundation for what I now have to say. Germany realizes the unusual situation and is trying to provide for it. These prices are not going to be so low in the future as they have been in the past. These prices are increasing right along and the time is here when there is not going to be that great disparity.

Mr. McLEAN. What schedule is the Senator talking about now?

Mr. JONES of New Mexico. I am talking about the cutlery schedule.

Mr. McLEAN. I gave the Senator importations indicating positively that the prices had been cut in two since last August.

Mr. JONES of New Mexico. Mr. President, I have here a statement, a part of which I gave to the Senator earlier in the evening, when I made the statement that as to these cheap knives the pre-war price in 1914 was 42 pfennigs, equivalent to 11¼ cents. On May 10, 1922, the price of the same thing was 45 marks or 16⅛ cents, considerably above the pre-war price. On another item which sold for 92 pfennigs in 1914 or 23 cents, on the same article on May 17, 1922, the price was 85 marks or 31¼ cents as compared with 23 cents in 1914. On another item in 1914 the price was 53 pfennigs or 13 cents in gold, and on May 10, 1922, the price was 22½ marks or 18 cents.

Mr. McLEAN. Has the Senator the April importation of the articles in this paragraph and the prices?

Mr. JONES of New Mexico. I am speaking of articles imported that are covered in this paragraph, and I have given the prices.

Mr. McLEAN. The report shows that in April the imports were 123,327 dozen at a value of $103,000. That is about 70 cents a dozen or 6 cents apiece. If they could make them cheaper before the war than they do now, we ought to raise the rate, because when they get back to normal conditions I do not know where this industry will be.

Mr. JONES of New Mexico. I am trying to get the statement clearly made that the prices are increasing and as to many of them now they are higher in gold than they were prior to the war. A great many importations were made. That would show a very much less price than the actual price. The importers bought their mark at a given price; when goods were delivered the mark had depreciated; but under the law they had to take the imported price as the price measured in the mark; or, in other words, the selling price was given in marks as of that time. It was so many marks.

But I will take another knife covered by this paragraph. By the way, I have a sample of that knife here. That [exhibiting] is a good knife; that is a real knife. The price of that knife before the war was 18 marks, 50 pfennigs. On January 1, 1922, it was increased to 725 marks and 40 pfennigs and, counting the mark at one thirty-sixth hundredths of a cent, would cost $2.61. On March 15 the same knife had advanced to $4.08, and may 5 it had advanced to $5.54. The foreign price is advancing at that rate, measured in dollars.

Mr. President, I want to read an affidavit as to what is happening in Germany. The affidavit was executed here in the District of Columbia and reads as follows:

AFFIDAVIT.

DISTRICT OF COLUMBIA, *ss:*

I, Edward Grafmueller, being first duly sworn, on oath depose and say that I am the vice president of H. Boker & Co., of 101–103 Duane Street, New York, N. Y., and that I am an American manufacturer of cutlery as well as an importer; that the firm of H. Boker & Co. has received a letter from its factory at Solingen, Germany, dated May 20, 1922, in which it is stated that a governmental regulation has just been issued providing that all cutlery goods ordered in marks prior to May 10, 1922, that were taken at firm prices and which have been registered may be billed in marks up to September 1, 1922, after which time all orders are to be filled in dollars only at the advances stated, and that all new orders placed from May 10 on can only be billed in dollars at the advances stated; and that the said firm of H. Boker & Co. has been notified that all cutlery coming from Germany after June 1, 1922, will be billed in dollars at the following rates: Knives (excepting those with pearl handles) and all razors and scissors at 25 per cent above the pre-war prices; pearl knives and all table cutlery at 40 per cent above the pre-war prices; and I further say that I believe the information contained in the said letter to be true to the best of my knowledge and belief.

EDW. GRAFMUELLER.

Sworn to and subscribed before me this 3d day of June, A. D. 1922.

[SEAL.] T. C. MEIDINGER,
Notary Public, District of Columbia.

Mr. President, by fixing the rates which are proposed here the German situation is not met. There is created an embargo to a great extent against England, France, and, by the way, an embargo against Czechoslovakia, which has recently reformed her currency, and prices have mounted so high that the goods can not be imported. The situation in Germany is not met; but there is created an embargo against these other countries.

Now, I ask in all seriousness, are you dealing with this situation in an intelligent and businesslike way? Why not find some other remedy? It is not for me to suggest the remedy, but that which the committee proposes is not the remedy to meet the situation. They are simply doing a botch job of it. They are not meeting the German situation as it exists to-day. They are doing an unfortunate thing, creating an embargo against Germany and France. If that be true—and I am sure that it is true—Germany herself is dealing with the situation and is going to require the goods to be exported and billed out in dollars and in prices 25 per cent above pre-war prices.

It is not necessary to rely entirely upon what Germany has done and is doing, but the committee may find a remedy if they will. They may meet this situation to regulate these prices if they want to do it.

What I insist upon, however, is that the remedy proposed by Senators on the other side of the Chamber is futile. It not only does not accomplish what it is sought to accomplish but it will be disastrous to trade between this country and England and France. It is admitted that there will be an embargo on these commodities which meet competition in the American market, although some few articles, as has been stated, will come in from England regardless of price.

However, Mr. President, I think we had better take one step at a time, and therefore I should like to have a vote upon my amendment regarding the cheaper knives.

Mr. JONES of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LADD in the chair). The Secretary will call the roll.

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

Ball	Heflin	McKinley	Smith
Brandegee	Jones, N. Mex.	McLean	Smoot
Bursum	Jones, Wash.	McNary	Spencer
Calder	Kellogg	Newberry	Sterling
Capper	Kendrick	Oddie	Sutherland
Curtis	Keyes	Overman	Townsend
Dial	King	Pepper	Underwood
Elkins	Ladd	Phipps	Warren
Gooding	La Follette	Robinson	Watson, Ind.
Hale	Lenroot	Sheppard	Willis
Harris	McCormick	Shortridge	
Harrison	McCumber	Simmons	

Mr. HARRISON. Mr. President, a parliamentary inquiry. What is before the Senate?

The PRESIDING OFFICER. A call for a quorum.

Mr. HARRISON. I call for the regular order.

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators and Mr. RAWSON answered to his name when called.

Mr. NICHOLSON entered the Chamber and answered to his name.

Mr. KING. Regular order, Mr. President.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is not present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to procure the presence of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

Mr. WALSH of Massachusetts and Mr. FRANCE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from New Mexico to the amendment of the committee.

Mr. JONES of New Mexico. Mr. President, I want to say just a word. My motion is to strike out the specific duty of 2 cents each on these boys' knives. If it remains, it will prohibit the importation of these knives. I may add that there are none of such knives produced in this country.

On my amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALDER. May the amendment be stated, please?

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from New Mexico to the amendment of the committee.

The READING CLERK. On page 72, line 12, the Senator from New Mexico proposes to strike out "2 cents each and," so that if amended it will read:

Valued at not more than 40 cents per dozen, 60 per cent ad valorem—

And so forth.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading 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 Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I have a pair with him for the evening, but I find that I can transfer my pair to the Senator from Arizona [Mr. CAMERON]; and I do so, and vote. I vote "nay."

Mr. McKINLEY (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. CARAWAY] to the Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the Senator from Massachusetts [Mr. LODGE] to the Senator from Rhode Island [Mr. GERRY] and will vote. I vote "yea."

The roll call was concluded.

Mr. BALL. I transfer my general pair with the senior Senator from Florida [Mr. FLETCHER] to my colleague [Mr. DU PONT] and will vote. I vote "nay."

Mr. WATSON of Indiana. I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Oklahoma [Mr. HARRELD] and will vote. I vote "nay."

Mr. STANLEY. I transfer my pair with my colleague [Mr. ERNST] to the Senator from Texas [Mr. CULBERSON] and will vote. I vote "yea."

Mr. McCUMBER (after having voted in the negative). I should like to inquire whether the junior Senator from Utah [Mr. KING] has voted?

The PRESIDING OFFICER. He has not.

Mr. McCUMBER. I have a general pair with that Senator, which I transfer to the senior Senator from New York [Mr. WADSWORTH] and will let my vote stand.

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

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR];

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

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

The result was announced—yeas 15, nays 36, as follows:

YEAS—15.

Ashurst	Jones, N. Mex.	Robinson	Stanley
Dial	La Follette	Sheppard	Underwood
Harris	Overman	Simmons	Walsh, Mass.
Harrison	Pomerene	Smith	

NAYS—36.

Ball	Capper	Gooding	Kendrick
Brandegee	Curtis	Hale	Keyes
Bursum	Elkins	Jones, Wash.	Ladd
Calder	France	Kellogg	Lenroot
McCormick	Newberry	Rawson	Sutherland
McCumber	Nicholson	Shortridge	Townsend
McKinley	Oddie	Smoot	Warren
McLean	Pepper	Spencer	Watson, Ind.
McNary	Phipps	Sterling	Willis

NOT VOTING—45.

Borah	Fernald	Moses	Shields
Broussard	Fletcher	Myers	Stanfield
Cameron	Frelinghuysen	Nelson	Swanson
Caraway	Gerry	New	Trammell
Colt	Glass	Norbeck	Wadsworth
Crow	Harreld	Norris	Walsh, Mont.
Culberson	Heflin	Owen	Watson, Ga.
Cummins	Hitchcock	Page	Weller
Dillingham	Johnson	Pittman	Williams
du Pont	King	Poindexter	
Edge	Lodge	Ransdell	
Ernst	McKellar	Reed	

So the amendment of Mr. JONES of New Mexico to the amendment of the committee was rejected.

Mr. JONES of New Mexico. On line 14, page 72, I move to strike out the words "5 cents each and." That relates to knives which cost more than 40 cents a dozen but not more than 50 cents a dozen. The duty proposed to be put upon such knives is 5 cents each, which would be 60 cents a dozen and 60 per cent. Upon this amendment to the amendment I ask for the yeas and nays.

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

Mr. BALL (when his name was called). Making the same announcement as to the transfer of my pair as before, I vote "nay."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. McCUMBER (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "nay."

Mr. McKINLEY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STANLEY (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

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

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

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR].

Mr. JONES of Washington. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. UNDERWOOD. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

The result was announced—yeas 16, nays 36, as follows:

YEAS—16

Ashurst	Heflin	Pomerene	Smith
Dial	Jones, N. Mex.	Robinson	Stanley
Harris	La Follette	Sheppard	Underwood
Harrison	Overman	Simmons	Walsh, Mass.

NAYS—36.

Ball	Hale	McKinley	Shortridge
Brandegee	Jones, Wash.	McLean	Smoot
Bursum	Kellogg	McNary	Spencer
Calder	Kendrick	Newberry	Sterling
Capper	Keyes	Nicholson	Sutherland
Curtis	Ladd	Oddie	Townsend
Elkins	Lenroot	Pepper	Warren
France	McCormick	Phipps	Watson, Ind.
Gooding	McCumber	Rawson	Willis

NOT VOTING—44.

Borah	Ernst	McKellar	Ransdell
Broussard	Fernald	Moses	Reed
Cameron	Fletcher	Myers	Shields
Caraway	Frelinghuysen	Nelson	Stanfield
Colt	Gerry	New	Swanson
Crow	Glass	Norbeck	Trammell
Culberson	Harreld	Norris	Wadsworth
Cummins	Hitchcock	Owen	Walsh, Mont.
Dillingham	Johnson	Page	Watson, Ga.
du Pont	King	Pittman	Weller
Edge	Lodge	Poindexter	Williams

So the amendment of Mr. JONES of New Mexico to the committee amendment was rejected.

Mr. JONES of New Mexico. On line 16, page 72, I move to strike out the words "12 cents each and." This is the rate fixed on knives valued at more than 50 cents and not more than

$1.25. The committee proposes to fix a duty of 12 cents each and 60 per cent ad valorem. I move to strike out the words "12 cents each and."

The amendment to the amendment was rejected.

Mr. JONES of New Mexico. On lines 17 and 18, beginning with the numeral "20," I move to strike out "20 cents each and," so as to leave the 60 per cent ad valorem duty. That is the rate upon knives valued at more than $1.25 and not more than $3 per dozen.

The amendment to the amendment was rejected.

Mr. JONES of New Mexico. On line 21 I move to strike out "40 cents each and," and I wish to make just this statement: That involves what is known as stockmen's knives. It is one of the best of the imported knives, and at the present price the duty will be absolutely prohibitive. The cost of this knife at the present time, with the present duty, is about $9 a dozen. If you add to that the profit which must be made by the dealers it brings it up above the present American price. It is proposed to make the duty 40 cents each and 60 per cent ad valorem.

I am addressing myself especially to those who are interested in the stockmen of the country when I call attention to this item. It is the regular stockmen's knife, which is used all over the West, and which comes in now at a duty of 55 per cent ad valorem. The committee proposes to put a specific duty of 40 cents each on this article, and to make the ad valorem 60 per cent. I move to strike out "40 cents each and," and upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading 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 Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. McCUMBER (when his name was called). Making the same announcement as before, I vote "nay."

Mr. McKINLEY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WATSON of Indiana (when his name was called). Making the same announcement as before, I vote "nay."

The roll call was concluded.

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

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

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR].

Mr. UNDERWOOD. I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. BALL. Making the same announcement as before as to my pair and its transfer, I vote "nay."

The result was announced—yeas 15, nays 34, as follows:

YEAS—15.

Ashurst	Heflin	Pomerene	Smith
Dial	Jones, N. Mex.	Robinson	Underwood
Harris	La Follette	Sheppard	Walsh, Mass.
Harrison	Overman	Simmons	

NAYS—34.

Ball	Jones, Wash.	McNary	Spencer
Brandegee	Kellogg	Newberry	Sterling
Bursum	Kendrick	Nicholson	Sutherland
Capper	Keyes	Oddie	Townsend
Curtis	Ladd	Pepper	Warren
Elkins	McCormick	Phipps	Watson, Ind.
France	McCumber	Rawson	Willis
Gooding	McKinley	Shortridge	
Hale	McLean	Smoot	

NOT VOTING—47.

Borah	Ernst	McKellar	Reed
Broussard	Fernald	Moses	Shields
Calder	Fletcher	Myers	Stanfield
Cameron	Frelinghuysen	Nelson	Stanley
Caraway	Gerry	New	Swanson
Colt	Glass	Norbeck	Trammell
Crow	Harreld	Norris	Wadsworth
Culberson	Hitchcock	Owen	Walsh, Mont.
Cummins	Johnson	Page	Watson, Ga.
Dillingham	King	Pittman	Weller
du Pont	Lenroot	Poindexter	Williams
Edge	Lodge	Ransdell	

So the amendment of Mr. JONES of New Mexico to the committee amendment was rejected.

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

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The READING CLERK. On page 73, line 2, the committee proposes to strike out "40" and insert "60," so as to read:

Cuticle knives, corn knives, nail files, tweezers, hand forceps, and parts thereof, finished or unfinished, by whatever name known, 60 per cent ad valorem.

Mr. JONES of New Mexico. Mr. President, I do not care to discuss the items covered by this amendment any further than to say that it relates to articles used generally—nail files, tweezers, hand forceps, and parts thereof, finished or unfinished. The House proposes a 40 per cent ad valorem rate. I shall simply content myself by voting against the committee amendment.

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

The amendment was agreed to.

The next amendment of the committee was, on page 73, line 8, to strike out "35" and insert "60," and in line 10, after the word "maker," to insert the words "or purchaser," so as to make the provisos read:

Provided, That any of the foregoing, if imported in the condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished articles of the same material and quality, but not less in any case than 15 cents each and 60 per cent ad valorem: *Provided further*, That all the articles specified in this paragraph, when imported, shall have the name of the maker or purchaser and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

The amendment was agreed to.

The next amendment of the committee was, on page 73, line 18, after the word "artists," to strike out the word "shoe" and insert the word "shoe" and a comma.

The amendment was agreed to.

The next amendment was, on the same page, in line 21, to strike out the words "or without," and in line 23 to strike out the numerals "16" and insert in lieu thereof "or without handles of any kind, 20," so as to read:

PAR. 355. Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for, with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, nickel silver, or other metal than iron or steel, or without handles of any kind, 20 cents each.

The amendment was agreed to.

The next amendment was on page 73, line 25, to strike out the numeral "8" and insert in lieu thereof the numeral "10," so as to read:

With handles of hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material, 10 cents.

Mr. McLEAN. Before going to that amendment the committee desires to offer an amendment on page 73, in line 24, after the word "each," to insert "and 45 per cent ad valorem." I will say that on this item and the next four or five items the ad valorem is 55 per cent, and the purpose of the amendment is to reduce the ad valorem from 55 per cent to 45 per cent.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 73, line 24, after the word "each" and before the semicolon, insert "and 45 per cent ad valorem," so as to read:

PAR. 355. Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for, with handles of mother-of-pearl, shell, ivory, deer or other animal horn, silver, nickel silver, or other metal than iron or steel, or without handles of any kind, 20 cents each and 45 per cent ad valorem.

Mr. JONES of New Mexico. Mr. President, I desire to say just a word about this paragraph.

Mr. McLEAN. Will the Senator permit us to act on this amendment, so that we may know just what the committee has in mind?

Mr. JONES of New Mexico. I simply want to make a statement about this paragraph and what it relates to. I did not understand that the "20 cents each" related to all of these articles, or, rather, I did not understand that it was a committee amendment. I did not understand that the amendment inserting the numerals "20" was a committee amendment and that is the reason why I did not propose an amendment at that point. There is nothing here to indicate that it is a committee amendment. It did not appear so to me.

I want to call attention to the fact that this relates to cutlery of different kinds, to knives such as table, butcher, carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar

knives, forks, and steels, and cleavers, finished or unfinished, not specially provided for, with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, nickel silver, or other metal than iron or steel, or without handles of any kind. A tariff of 20 cents each is to be imposed upon all of these and now it is proposed to add "and 45 per cent ad valorem."

I supposed the committee had interpreted the paragraph to mean that on the next page the 55 per cent ad valorem would relate back to all of the various items which I have mentioned. I wish to make the statement that this relates to steel table cutlery and kitchen cutlery, the cheap steel cutlery that is used in every household, and with or without any handle, on which they are proposing to place a duty of 20 cents each—on each knife, each fork, a specific duty of 20 cents and an ad valorem duty of 45 per cent.

Mr. SIMMONS. Mr. President, I would like to inquire of the Senator if he can tell the Senate the equivalent ad valorem of this compound duty?

Mr. JONES of New Mexico. It varies, of course.

Mr. SIMMONS. The Senator just spoke of 20 cents specific plus an ad valorem rate of 45 per cent. Can the Senator tell us the ad valorem equivalent of that compound duty?

Mr. JONES of New Mexico. I do not know. It would vary as the prices of the knives vary. Some of them, of course, are very cheap, and the rate must be two or three or four hundred per cent on some of them.

Mr. SIMMONS. If the Senator will pardon me, it is very difficult for Senators to understand and appreciate the extent of this duty when it is expressed partly in a specific rate and partly in an ad valorem rate. If it could be expressed in the ad valorem equivalent, we could have a better conception of the size of the duty.

If the Senator from New Mexico will permit me in his time, I would like to ask whoever on the other side is in charge of this item—I presume the Senator from Connecticut [Mr. McLEAN]—if he can furnish the Senate information as to the ad valorem equivalent of the compound rate which the Senator from New Mexico has just referred to, namely, 20 cents specific plus 45 per cent ad valorem?

Mr. McLEAN. It is about 110 per cent. Of course, that applies to butcher knives. The report shows that on No. 7906 the landed cost was $6.30 a dozen and the domestic selling price of the American article $14.25 a dozen, which would require 126 per cent to equal the difference.

Mr. SIMMONS. But that is not the question I asked the Senator. I asked the ad valorem equivalent of the compound duty imposed upon the foreign product.

Mr. McLEAN. There are a great many products included in the paragraph.

Mr. SIMMONS. But all the products included in the section of the paragraph which the Senator from New Mexico read a little while ago are subject to one rate of duty, namely, 20 cents specific plus 45 per cent ad valorem. That is a matter which might be worked out by the experts very quickly. I presume the Senator has the foreign price. What is the ad valorem equivalent of the two duties combined applied to the foreign price?

Mr. McLEAN. On each article it would differ. To what particular item does the Senator refer?

Mr. SIMMONS. The Senator from New Mexico just read the items. I will ask the Senator from New Mexico to which particular item he referred?

Mr. JONES of New Mexico. Ordinary table steel knives and kitchen knives and forks.

Mr. McLEAN. It depends on the length of the knife and handle and all the items which enter into the value. If the Senator will give me any particular knife, we can figure it out for him.

Mr. JONES of New Mexico. Take just a common steel knife without any handle. The Senator proposes to put a duty on those of 20 cents each and 45 per cent ad valorem.

Mr. McLEAN. I do not think those are covered by this part of the paragraph.

The PRESIDING OFFICER (Mr. GOODING in the chair). The question is on the amendment offered by the Senator from Connecticut [Mr. McLEAN] on behalf of the committee to the committee amendment.

Mr. KING. Mr. President, I hope the Senator from Connecticut will respond to the inquiry of the Senator from North Carolina [Mr. SIMMONS] and tell us the equivalent ad valorem of the compound rate which is provided in the paragraph under consideration. The Senator from New Mexico [Mr. JONES] asked the Senator from Connecticut to give the equivalent of the compound rate upon the ordinary table knife. Take the ordinary table knife that costs in the foreign market 10 cents or 15 cents, what would be the rate on that? Obviously, of course, it would be from 200 to 250 per cent.

Mr. McLEAN. It would depend on the foreign value on which the rate is based. If the Senator from Utah can identify any knife here, and the foreign value, the equivalent ad valorem may very easily be estimated.

Mr. KING. May I say to the Senator that if I properly comprehend this paragraph it embraces not only butcher knives and hunting knives and carving knives but also the ordinary table knife and the ordinary fork, no matter how unimportant and how cheap and how inconsequential they may be. A fork costing 10 cents or 5 cents would have to pay a 20-cent specific duty, which, if it costs 5 cents, would be a 400 per cent duty. Then, in addition to that, it would have to pay 45 per cent ad valorem. Does the Senator mean to justify a rate of that character?

Mr. McLEAN. On an 8-cent knife the rate would be 70 per cent ad valorem.

Mr. KING. On an 8-cent knife a duty of 20 cents would be more than 200 per cent ad valorem. The Senator's adviser is wrong.

If the Senator will pardon me, it is obvious that the knife that sold for 8 cents under a specific duty of 20 cents would carry more than a 200 per cent ad valorem duty.

Mr. McLEAN. I do not think this paragraph includes the kind of a knife about which the Senator from Utah is talking.

Mr. KING. It does not differentiate. It says "knives."

Mr. McLEAN. But it says "with handles of mother-of-pearl, shell, ivory, deer or other animal horn, silver, nickel silver, or other metal than iron or steel."

Mr. KING. It also says "or without handles of any kind."

Mr. McLEAN. Yes.

Mr. KING. The Senator knows that many ordinary table knives and forks would come within the description which he has just read. If the Senator intends to exclude the ordinary table knife and table fork, then certainly it will be necessary to have an amendment, because the language now is sufficiently comprehensive to include them.

Mr. McLEAN. On page 74 the other variety of knife is described definitely and specifically. The clause reads:

With handles of any other material, if less than 4 inches in length, exclusive of handle, 3 cents each; if 4 inches in length or over, exclusive of handle, 10 cents each.

Mr. UNDERWOOD. Mr. President, I have not in mind the details of this particular proposal with reference to knives, but I desire to say that this is the first time I have ever seen a tariff bill come before either branch of Congress where a compound duty was levied and the committee in charge had not worked out the equivalent ad valorem rate. I do not know whether the committee really is ashamed to tell us how high the rate is or whether they do not know; but I think the Senate is entitled to that information. I know it was customary when I assisted in writing tariff bills to have the calculations worked out so as to be able to tell with definiteness the equivalent ad valorem of a compound rate. We have not yet obtained that information in this case, and I think the Senator in charge of the bill should pass this paragraph over until he may obtain the information and advise the Senate so that we may vote intelligently on the subject.

Mr. SMOOT. Mr. President——

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

Mr. UNDERWOOD. I yield.

Mr. SMOOT. Mr. President, the Senator from New Mexico [Mr. JONES] is mistaken when he thinks that this clause providing for a specific duty of "20 cents each" refers to common, ordinary table knives. Such knives fall in a succeeding clause, where the duty is "3 cents each," which will be changed to 2 cents.

The bracket now being considered covers knives "not specially provided for, with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, nickel silver, or other metal than iron or steel."

Mr. LA FOLLETTE. "Or without handles of any kind."

Mr. SMITH. "Or without handles of any kind." None of the knives which the Senator has described would be included in the phrase "without handles of any kind."

Mr. SMOOT. The phrase "handles of any kind" means handles of other metal or wood or animal horn. Just preceding the words referred to, the clause reads "or other metal than iron or steel."

The ordinary knife and fork that are being talked about fall within the next item, which reads:

with handles of any other material, if less than 4 inches in length, exclusive of handle, 3 cents each; if 4 inches in length or over, exclusive of handle, 10 cents each; and in addition thereto, on all of the foregoing, 45 per cent ad valorem.

Mr. LA FOLLETTE. The bill says 55 per cent.

Mr. SMOOT. I put it the way the committee intends to amend it. That is the item under which the knives referred to would come.

Mr. JONES of New Mexico. That refers to any kind of steel table knife. It would cover the ordinary camp knife, which can be bought by the dozen.

Mr. SMOOT. What refers to that?

Mr. JONES of New Mexico. This paragraph here.

Mr. SMOOT. Not the clause providing a duty of 20 cents each.

Mr. JONES of New Mexico. Why not?

Mr. SMOOT. Because it says that it does not. It says "or other metal than iron or steel."

Mr. JONES of New Mexico. Those words relate to the handle. I do not see how the Senator can give any other interpretation to them.

Mr. SMOOT. I do not see how the Senator can give the interpretation which he gives.

Mr. JONES of New Mexico. That is what it says.

Mr. SMOOT. Of course, all knives have steel blades, but the clause only applies to steel blades "with handles of mother-of-pearl, steel, ivory, deer, or other animal horn, silver, nickel silver, or other metal than iron or steel."

Mr. JONES of New Mexico. Then the words are added "or without handles of any kind."

The Senator can not get any other interpretation from it. The truth of it is the committee has made a mistake in inserting there the words "or without handles of any kind." That is where the mistake has been made. The Senator from Utah never intended any such result as that, but that is the effect of the provision if it is left in there.

Mr. SMOOT. The provision was put in, I think, on the recommendation of one of the examiners from New York, and if the Senator will wait for just a moment I will look it up and see if the provision should come here or in a succeeding clause.

Mr. McLEAN. Of course, a knife without a handle does not go into domestic use. They are imported in that form, and the handles are put on in this country.

Mr. UNDERWOOD. It seems to me that until the committee can definitely inform the Senate what this paragraph means we ought to take a recess to-night and give them an opportunity to prepare themselves, so that to-morrow morning we may ascertain exactly what is proposed to the Senate. We can not find out what the language means and we can not find out what the equivalent ad valorem rate is, and certainly the Senate is not prepared to vote on this paragraph at this time.

Mr. SMOOT. I thought I had with me a table of the ad valorem rates of each one of the brackets, but, as I had not intended to discuss the paragraph, I find I have it not with me. There are, however, a number of other items which we may consider.

Mr. POMERENE. Mr. President, let me put a question to the Senator from another viewpoint. Here are two or three dozen different articles, including table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, and other knives. From the standpoint of price, what articles are included? Does the bracket cover knives that are worth 10 cents apiece or $10 apiece? There is a specific duty imposed of 20 cents each and then an ad valorem duty. Twenty cents apiece in the case of $10 knives would not amount to anything, whereas in the case of 10-cent knives 20 cents apiece would amount to a great deal; in fact, it would amount to 200 per cent.

Mr. SMOOT. That is true, but there are no 10-cent knives with the kind of handles which are described.

Mr. POMERENE. I do not know as to that.

Mr. SMOOT. I know.

Mr. POMERENE. I do not know why the Senator should insist on making that statement, when the language of the amendment is "or without handles of any kind." It refers to certain kinds of handles and then says, "other than iron or steel." There might be a corncob handle, for that matter.

Mr. SMOOT. It does not say that at all. The only question——

Mr. POMERENE. The handle could be of corncob so far as this language is concerned.

Mr. SMOOT. A knife with a corncob handle would not fall under this bracket.

Mr. POMERENE. Why does the Senator say that? The language would include such a knife.

Mr. SMOOT. What language, I will ask the Senator?

Mr. POMERENE. The language of the text. I do not know tariff bills, but I know the English language, I think.

Mr. SMOOT. If the Senator will tell me to what he has reference then I will endeavor to tell him whether the language means what he thinks or not.

Mr. POMERENE. This paragraph describes a very large number of articles of various kinds, of knives and forks, and so forth. Then it describes the handles in this language:

> With handles of mother-of-pearl, shell, ivory, deer or other animal horn, silver, nickel silver, or other metal than iron or steel, or without handles of any kind.

And a specific duty of 20 cents each is imposed.

Mr. SMOOT. I will say to the Senator that the only question there may be is as to the amendment to which reference has been made, and I shall ask that that be looked into. I have not paid any especial attention to this paragraph, and it may be that the amendment suggested relates to the cheaper grade of knives. As to those, however, the ad valorem rate would apply, and a duty of 2 cents or 3 cents each would not make so much difference, while a duty of 20 cents each would make a considerable difference.

Mr. POMERENE. I think the discussion demonstrates conclusively that the proponents of this paragraph do not understand what it means.

Mr. SMOOT. The Senator can draw his own conclusion about that.

Mr. POMERENE. I think everybody has drawn that conclusion.

Mr. UNDERWOOD. Mr. President, it seems very clear that this section does not refer to mother-of-pearl knives only. It starts out by saying:

> Table, butchers', carving, cooks', hunting, kitchen—

And then goes on with a whole lot of other knives—

> with handles * * * or without handles, * * * 20 cents each.

And then it adds the ad valorem of 55 per cent.

Mr. SMITH. Mr. President, if the Senator from Alabama will allow me, it says "finished or unfinished" before it gets down to the question of handles.

Mr. SMOOT. That is the same as the existing law.

Mr. SMITH. I am just saying that it includes all kinds of knives, and says "with handles" of a certain kind, or without any handles at all, "finished or unfinished," 20 cents each.

Mr. SMOOT. In that case they would simply leave out about one rivet and it would not be finished, and all they would have to do would be to put a rivet in a handle to finish it. That has always been the case, and the Senator from Alabama would not object to that.

Mr. UNDERWOOD. I am not objecting to the words "finished or unfinished"——

Mr. SMOOT. No; of course the Senator is not.

Mr. UNDERWOOD. But what I am trying to find out is what the section means. I never heard of a kitchen knife without a handle, and yet this provides for taxing kitchen knives without handles 20 cents each.

Mr. SMOOT. I will say that kitchen knives have been shipped over here without handles.

Mr. SIMMONS. Mr. President, the Senator from Alabama overlooks the fact that later in the same paragraph, after these specific rates, 20 cents in some cases and 10 cents in other cases, there is this:

> And in addition thereto, on all of the foregoing, 55 per cent ad valorem.

Mr. SMOOT. Oh, no; he did not overlook that.

Mr. UNDERWOOD. No; I called that to the Senator's attention; but for an ordinary kitchen knife a 20-cent tax is some tax, because you can buy them at a 10-cent store.

Mr. SMOOT. But the ordinary kitchen knife does not fall under this language.

Mr. McCUMBER. Mr. President——

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

Mr. UNDERWOOD. I yield. I will yield the floor if the Senator desires.

Mr. McCUMBER. No; it is not necessary. The Senator has just stated that he had never heard of a kitchen knife coming in without a handle.

Mr. UNDERWOOD. I said that I had never heard of a kitchen knife without a handle when it was in reality a kitchen knife.

Mr. McCUMBER. They are shipped in without handles.

Mr. UNDERWOOD. I realize that many knives are shipped in without handles.

Mr. McCUMBER. In 1921, in nine months, there were 13,249, of a value of $18,221, that were shipped in without handles.

I am perfectly free to say to the Senator from Alabama that I think he is right in stating that this is not very clearly expressed and that those who have reported this bill did not clearly understand just what this language "or without handles of any kind" might be construed to mean.

Under this head we have the more expensive knives. They are often shipped in, and then the pearl handles or the silver handles are perhaps made in this country and are attached; and the idea was to put the duty upon those which were shipped in which were of a better quality, of course, the expensive knives that are used in this country. They come in quite extensively, too; but there is no question in my mind, after reading the matter over again, that the way it is written it would apply, as suggested by the Senator, to a 3-cent kitchen knife as well as it would to a very expensive one; and for that reason I suggest that we pass over that one particular amendment.

Mr. SMOOT. Why does not the Senator move to disagree to the amendment and ask that the Senate reject it?

Mr. McCUMBER. I want some kind of a duty upon the blades that come in without handles.

Mr. SMOOT. But it says "finished or unfinished."

Mr. McCUMBER. And as we have not taken care of it in the rest of the paragraph I suggest that we allow the matter to go over, and we will place that kind of a paragraph or something that will cover it at the end of the paragraph on the next page.

Mr. SMOOT. I call the Senator's attention to the fact that this says "finished or unfinished"; so that with the striking out of those words, "or without handles of any kind," then the specific duty and the ad valorem are provided, and it would be covered whether it was finished or whether it was unfinished. Of course the Senator from Alabama knows that that language must be used, because if it were not used they could simply, as I say, leave one little rivet out of the handle and it would not be dutiable.

Mr. UNDERWOOD. The Senator from Utah is clearly right. When you use the words "finished or unfinished" of course there is no necessity for putting in this paragraph the language, "or without handles of any kind," because if they are without handles of any kind they are unfinished; but that is not really the main thing that concerns me about this paragraph. I was satisfied that the committee had made a mistake in writing the paragraph, but what I am interested in and what I think the Senate is entitled to information about is what is the average run of the rates of duty that are carried in this paragraph.

Of course I know that there are some high-class knives where the rate of duty will be low, and there are some very common kinds of knives where I guess—I have not the information, but I must assume—that the rate of duty is going to be tremendous; and I think the committee, on an item as important as this is, ought to furnish the Senate with a statement showing the range. We do not ask for every knife, but there must be some high-class knives that come in here, and some very cheap knives; and we certainly are entitled to know what the compound rate of duty amounts to in ad valorem terms on the common knives and what it amounts to on the high-class knives.

Mr. McCUMBER. Mr. President, if the Senator will allow me; first, I will correct the error of both the Senator from Alabama and the Senator from Utah in assuming that if we will strike out the words "or without handles of any kind," we will meet the situation; and then I will give the Senator the information as to some of the equivalent ad valorem duties on the values that we have.

Mr. UNDERWOOD. That is really the important proposition.

Mr. McCUMBER. Let us take the first one, because I wish also to satisfy the Senator from Utah that we do not meet the situation by merely disagreeing with the proposition of the amendment "or without handles," because we are describing these:

All the foregoing, finished or unfinished, not specially provided for, with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, nickel silver, or other metal than iron or steel.

The Senator says that if we strike out "or without handles of any kind," we will meet that situation; but we have dealt heretofore only with those with handles. Therefore, if we are going to have any provision in the paragraph relating to the importation of any kind of blades without handles, we will have to insert it in there somewhere.

Mr. UNDERWOOD. But the Senator, if he will read the language of his own committee, struck out the words "or without handles" above.

Mr. McCUMBER. I know it, and that is the reason why it leaves it "with handles."

Mr. UNDERWOOD. You just changed the place where it was necessary for it to go in.

Mr. McCUMBER. I say you would have to make still another amendment. Now, I will call the Senator's attention to one or two instances in the Reynolds report, and give him the equivalent ad valorem duty as the bill would now stand, with the amendment offered by the Senator from Connecticut.

We will take first the butcher knives from England. That would be equivalent to about 100 per cent. In the case of the kitchen and table knives, the equivalent ad valorem would be 66 per cent.

Mr. UNDERWOOD. What is the value of the table knife when it comes in?

Mr. McCUMBER. $11.97 a dozen.

Mr. UNDERWOOD. Of course, a knife valued at $11.97 a dozen is a very high-class knife, but what I am asking about are these kitchen knives. What is the value of those?

Mr. McCUMBER. I am taking just these that we have here. I have something a little lower down that I think will cover that. The butcher knives I have given the Senator, about 100 per cent. The cook knives from France, that come in at $6.93 a dozen, would amount to about 53 per cent ad valorem under the rates as given here. These are the only ones I have.

Mr. UNDERWOOD. The Senator must be wrong; it can not be 53 per cent, because he provides in this paragraph a 20 per cent specific duty and then 55 per cent ad valorem, and yet the Senator works it out below his ad valorem rate.

Mr. McCUMBER. Oh, no; cook knives are only 3 cents, I think, and as amended only 2 cents—2 cents each and 45 per cent ad valorem.

Mr. UNDERWOOD. The cook knives, as far as the paragraph reads in the bill that is printed before me, are taxed at 20 cents each and 55 per cent ad valorem.

Mr. McCUMBER. Four inches or under—that is, simply the blade—they are 3 cents each, which we amended to 2 cents each, with a 45 per cent ad valorem duty.

Mr. UNDERWOOD. What the Senator is doing on that piece of paper over there may be all right——

Mr. McCUMBER. The piece of paper takes in the actual importations, and just exactly what they are imported for, and just exactly what this compound rate would be equivalent to on an ad valorem basis.

Mr. UNDERWOOD. It is very evident that either the Senator is very wrong or I am very wrong, and I think the Senate is entitled to find out what this paragraph means. Let me read it to you:

PAR. 355. Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, curriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for, with handles—

With the words "or without" stricken out of the House text—

of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, nickel silver, or other metal than iron or steel, or without handles of any kind, 20 cents each.

Now, that includes cook knives.

Mr. McCUMBER. No, Mr. President; it does not. That includes the higher-priced table knives. It is the knives that are generally silver-plated, with silver handles, and the more valuable class of table knives. They are not the kitchen knives. Kitchen knives come in the next paragraph after that.

Mr. UNDERWOOD. But if the Senator will just wait a minute; these rates are bad enough in themselves, and if the Senator really has made a mistake in classing kitchen knives among high-class knives, for heaven's sake do not let us make the American people suffer from an undisclosed mistake. I have read the whole paragraph, and there is no other rate above what I have read.

Mr. McCUMBER. No; the Senator has not read what appears on page 74.

Mr. UNDERWOOD. But there is a semicolon after the words "20 cents each."

Mr. McCUMBER. Yes.

Mr. UNDERWOOD. And so all in the language above "20 cents each" is included in the 20-cent tax. It can not be otherwise. You can not put these table knives and butcher knives and cook knives in any other tax than 20 cents each, because you have separated them from any other place in the bill by this semicolon. Then you add the 55 per cent ad valorem, and then you report to the Senate that some of these knives carry a rate of only 53 per cent. Now, evidently the committee has made some mistake in ascertaining what its taxes are, and I think we are entitled to an explanation of it.

Mr. McCUMBER. Possibly the committee may have made some mistake; but I am certain of one thing, and that is that the committee made no mistake in assuming that a pearl-handled knife was not a kitchen knife.

Mr. UNDERWOOD. What did you put the kitchen knife in there for, then? Why did you say "kitchen knives"?

Mr. McCUMBER. There is the whole paragraph, and we are dealing with several kinds of knives in the paragraph. When you come to the description of those things which we generally denominate kitchen knives, you will find that we have given a rate, instead of 20 cents each, of 2 cents each. That is a kitchen knife generally with a wood handle, and certainly not designated as a silver-plated knife or a knife with a pearl handle that can not be put into hot water at all.

Mr. UNDERWOOD. Then the Senator has his bill punctuated entirely wrong.

Mr. McCUMBER. Oh, no; he has not.

Mr. SMITH. May I ask the Senator from North Dakota if there are silver-plated handles on drawing knives which are used to draw shingles with. They are in the same category. Then you have curriers' knives, with which you rake the hair off the hides of animals. Do you silver plate those? Then you have a hay knife here, and you have a fish knife. You have no semicolon there.

Mr. SMOOT. The Senator will see the semicolon after "20 cents each."

Mr. SMITH. I know there is one there, and that ends the whole thing. That includes the whole category. The contention is that drawing knives, the curriers' knives, and all the knives in everyday use, take the 20-cent rate, if they have handles or are without handles.

Mr. SMOOT. Oh, no.

Mr. SMITH. I may not understand your method of drawing a tariff bill; but, as the Senator from Ohio says, I do understand the English language and its punctuation.

Mr. SMOOT. If the Senator understands the English language, he ought to read the bill and see what it provides.

Mr. SMITH. I read it and see what it provides, but I do not accept the interpretation of the Senator from Utah.

Mr. SMOOT. Let us see just what it does provide. There are three classes of knives, and the classes are separated by semicolons.

Mr. SMITH. Let us see.

Mr. SMOOT. It reads, "similar knives, forks, and steels, and cleavers, all of the foregoing, finished or unfinished, not specially provided for." They are certainly provided for otherwise, and I call the Senator's attention to where they are specially provided for, "with handles of mother-of-pearl, shell, ivory," and so forth.

Mr. McCUMBER and Mr. HEFLIN addressed the Chair.

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

Mr. McCUMBER. I ask the Senator from Utah to yield to me.

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. In all probability if we are going to close at 10 o'clock to-night, as we usually do, we shall hardly finish this matter, and I ask unanimous consent at this time that when the Senate closes its session to-day it shall recess until to-morrow at 11 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. Now I ask the Senator from Utah if he will not yield for a short executive session, and then let us recess until 11 o'clock to-morrow.

Mr. SMOOT. I have the floor.

Mr. McCUMBER. I know the Senator has, but I ask if he will not yield to me to make a little statement?

Mr. SMOOT. Certainly.

Mr. McCUMBER. We have been holding evening sessions for quite a long time. We have been holding them because it is generally 2 or 3 o'clock, or after 3, sometimes, before we get to the tariff bill at all. It is not agreeable to any of us, I know, to hold these long night sessions and work as hard as we do, and I suggest that if we can have less discussion of extraneous matters in the morning I would like to have at least a gentlemen's agreement that we shall close at 6 or half past 6, and not hold evening sessions, provided we can do something during the day. I am willing to try that a while. If we can not make any better headway, of course we shall have to hold night sessions.

Mr. SMOOT. The Senator does not ask that now?

Mr. McCUMBER. No; I am not asking it now; but I simply want to make the suggestion. I hope that to-morrow we can get along without holding an evening session at all.

Mr. SIMMONS. Mr. President, I would be glad if Senators on this side of the Chamber would hear me just a moment. I am speaking without any understanding whatever with Senators on the other side, but I really believe that we would accomplish more toward expediting the bill if our sessions were confined to daylight and we could commence at 11 and recess at 6, instead of commencing at 11 and closing at 10.

Mr. SMOOT. Why does the Senator make that statement?

Mr. SIMMONS. I really believe we would accomplish more, and I want to join with the Senator from North Dakota in the expression of the hope that as far as possible, though I know we can not do it altogether, we eliminate the discussion of extraneous matters and confine ourselves to the tariff bill. I think it ought to be acted upon as speedily as possible, and I hope that the program outlined by the Senator from North Dakota will be adopted, changing the hours so as to run from 11 to 6, and that on both sides of the Chamber we eliminate, as far as practicable, the discussion and consideration of all matters not pertaining to the pending bill until we get through with it.

Mr. SMOOT. Let it be understood, also, that we will cut out all speeches which are mere repetitions.

Mr. SIMMONS. I am not giving any assurances; I am not attempting to bind anybody at all. I am simply expressing a hope.

Mr. SMOOT. I agree with the Senator.

Mr. HEFLIN. Mr. President, we are not agreeing to anything; we are just having suggestions.

Mr. SIMMONS. That is all I said. I was just expressing a hope.

Mr. SMOOT. I so understood the Senator.

Mr. HEFLIN. The Senator from North Carolina is expressing the hope expressed by the Senator from North Dakota.

Mr. SMOOT. And I join in the hope.

Mr. HEFLIN. The Senator from Utah said: "Let it be agreed that we cut out so and so." We are not agreeing to anything. If you would change the bill, it would save a lot of time.

Mr. SMOOT. That is the Senator's opinion, we know; he has said it a good many times.

Mr. HEFLIN. And I am going to say it a good many more times, too.

Mr. SMOOT. I hope the Senator will allow me to proceed. I do not think there will be a vote on this paragraph to-night, and perhaps it will be discussed again to-morrow.

Mr. SMITH. Very likely.

Mr. SMOOT. In the meantime I want to address the Senators who say that there is no classification, and that the words "unfinished, not specially provided for," do not mean anything in the paragraph.

There are three different descriptions of knives provided for here under these three different rates, and they are separated by semicolons. The kitchen knives and tables knives fall under the second rate of duty which, when the Senate committee amendments are agreed to, which I hope will be done, will be 2 cents each, and 45 per cent ad valorem.

At the same time I want to say that I now have the figures which were worked out on these items, and I can tell Senators just what the equivalent ad valorem is upon each of the different brackets, taking the average rate of knives falling within those brackets. As to the first one, at 20 cents each and 45 per cent ad valorem, the equivalent ad valorem is 136 per cent. As to the second one, 2 cents each and 45 per cent ad valorem, the equivalent would be 77 per cent ad valorem. As to the third, over 4 inches in length, 10 cents each and 45 per cent ad valorem, the equivalent is 67 per cent ad valorem.

BRIDGE OVER PEND OREILLE RIVER, WASH.

Mr. JONES of Washington. Mr. President, I favorably report from the Committee on Commerce without amendment the bill (H. R. 11265) to authorize the maintenance of a bridge constructed across the Pend Oreille River at the town of Usk, in the State of Washington, and I submit a report thereon (No. 761). I ask unanimous consent for the immediate consideration of the bill.

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 bridge specified in an act approved August 7, 1919, entitled "An act to authorize the construction of a bridge across the Pend Oreille River at the town of Usk, in the State of Washington," having been constructed without approval of the plans by the Chief of Engineers and the Secretary of War, be, and is hereby, declared a lawful structure, to be maintained and operated subject to the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That unless plans of the said bridge shall have been submitted to the Chief of Engineers and the Secretary of War for their approval and

shall have been approved by them within six months after the date of the approval of this act, this authority shall then cease and be null and void.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

PRESIDENT HARDING'S ADDRESS AT THE DEDICATION OF THE LINCOLN MEMORIAL.

Mr. McCORMICK. I ask unanimous consent to have printed in the RECORD in the regular RECORD type President Harding's address at the dedication of the Lincoln Memorial on May 30, 1922.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

PRESIDENT HARDING'S ADDRESS AT THE DEDICATION OF THE LINCOLN MEMORIAL, WASHINGTON, D. C., MAY 30, 1922.

Mr. Chief Justice, it is a supreme satisfaction officially to accept on behalf of the Government this superb monument to the savior of the Republic. No official duty could be more welcome, no official function more pleasing. This memorial edifice is a noble tribute, gratefully bestowed, and in its offering is the reverent heart of America; in its dedication is the consciousness of reverence and gratitude beautifully expressed.

Somehow my emotions incline me to speak simply as a reverent and grateful American rather than one in official responsibility. I am thus inclined because the true measure of Lincoln is in his place to-day in the heart of American citizenship, though more than half a century has passed since his colossal service and his martyrdom. In every moment of peril, in every hour of discouragement, whenever the clouds gather, there is the image of Lincoln to rivet our hopes and to renew our faith. Whenever there is a glow of triumph over national achievement there comes the reminder that but for Lincoln's heroic and unalterable faith in the Union these triumphs could not have been.

No great character in all history has been more eulogized, no towering figure more monumented, no likeness more portrayed. Painters and sculptors portray as they see, and no two see precisely alike. So, too, is there varied emphasis in the portraiture of words; but all are agreed about the rugged greatness, the surpassing tenderness, the unfailing wisdom of this master martyr.

History is concerned with the things accomplished. Biography deals with the methods and the individual attributes which led to accomplishment.

The supreme chapter in history is not emancipation, though that achievement would have exalted Lincoln throughout all the ages. The simple truth is that Lincoln, recognizing an established order, would have compromised with the slavery that existed if he could have halted its extension. Hating human slavery as he did, he doubtless believed in its ultimate abolition through the developing conscience of the American people, but he would have been the last man in the Republic to resort to arms to effect its abolition. Emancipation was a means to the great end—maintained union and nationality. Here was the great purpose, here the towering hope, here the supreme faith. He treasured the inheritance handed down by the founding fathers, the ark of the covenant wrought through their heroic sacrifices and builded in their inspired genius. The Union must be preserved. It was the central thought, the unalterable purpose, the unyielding intent, the foundation of faith. It was worth every sacrifice, justified every cost, steeled the heart to sanction every crimsoned tide of blood. Here was the great experiment—popular government and constitutional union—menaced by greed expressed in human chattels. With the greed restricted and unthreatened, he could temporize. When it challenged Federal authority and threatened the Union, it pronounced its own doom. In the first inaugural he quoted and reiterated his own oft-repeated utterance—"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." He believed in maintaining inviolate the rights of the States, but he believed no less firmly in the perpetuity of the union of the States. The union, having been contracted, could not be dissolved except by consent of all parties to the contract. He recognized the conflicting viewpoints, differing policies, and controverted questions. But there were constitutional methods of settlement, and these must be employed.

In the first inaugural address he stressed the great general principle that—

"in our constitutional controversies we divide into majorities and minorities. If the minority will not acquiesce the majority must, or the Government must cease. There is no other alternative, for continuing the Government is acquiescence on one side or the other. If the minority in such case will secede rather than acquiesce, they make a precedent which in turn will divide and ruin them. * * * Plainly the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does of necessity fly to anarchy or despotism."

Here spoke the statesman, proclaiming deliberate public opinion as the supreme power of civilization, easily to be written into law when conviction should command. It ought to be tonic to the waning confidence of those of to-day who grow impatient that emphasized minority views are not hurried into the majority expressions of the Republic. Deliberate public opinion never fails.

Later, closing his first inaugural, when anxiety gripped the Nation, there spoke the generous, forgiving, sympathetic man of undaunted faith:

"I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the union when again touched, as they surely will be, by the better angles of our nature."

But he appealed in vain. Passion was aflame and war was made the arbiter. Americans fought Americans with equal courage and valor. There was an ambiguity in the Constitution which only a baptism in blood could efface. One may only speculate on what another might have done, but Fate seems to have summoned the one great hero best fitted to lead to the Union's salvation.

His faith was inspiring, his resolution commanding, his sympathy reassuring, his simplicity enlisting, his patience unfailing. He was Faith, Patience, and Courage, with his head above the clouds, unmoved by the storms which raged about his feet.

No leader was ever more unsparingly criticized or more bitterly assailed. He was lashed by angry tongues and ridiculed in press and speech until he drank from as bitter a cup as was ever put to human lips, but his faith was unshaken and his patience never exhausted. Some one sent me recently an illumined and framed quotation which fell from his lips when the storm of criticism was at its height:

"If I were trying to read," he said, "much less answer all the attacks made on me, this shop might as well be closed for any other business. I do the best I know how, the very best I can; and I mean to keep on doing it to the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out all wrong, 10 angels swearing I was right would make no difference."

He knew, of course, before the assassin robbed him of fuller realization, that the end was bringing him out all right. He knew when swords were sheathed and guns laid down, that the Union he saved was riveted anew and made forever indissoluble. He knew that in the great crucible of fire and blood the dross had been burned from the misdirected patriotism of seceding States and the pure gold restored to shining stars in dear Old Glory again. He knew he had freed a race of bondmen and had given to the world the costly proof of the perpetuity of the American Union. But I can not restrain the wish that he might somehow know of the monuments to his memory throughout the world, and that we are dedicating to-day, on behalf of a grateful nation, this matchless memorial, whose 48 columns, representing 48 States in the concord of union, testify that the "end brought him out all right."

Reflecting now on the lampooning and heedless attack and unjustifiable abuse which bruised his heart and tested his patience, we may accept its expression as one of the abused privileges under popular government, when passion sways and bitterness inspires, but for which there is compensation in the assurance that when men have their feet firmly planted in the right, and do the very best they can and "keep on doing it," they come out all right in the end, and all the storm does not amount to anything.

He rose to colossal stature in a day of imperiled Union. He first appealed, and then commanded, and left the Union secure and the Nation supreme. His was a leadership for a great crisis made loftier because of the inherent righteousness of his cause and the sublimity of his own faith. Washington inspired belief in the Republic in its heroic beginning, Lincoln proved its quality in the heroic preservation. The Old World had wondered about the New World experiment, and was quite ready to proclaim its futility when the Civil War was threatening, but Lincoln left the Union unchallenged for all succeeding time. Not only was our Nation given a new birth of freedom but democracy was given a new sanction by that hand of divinity itself which has written the rights of humankind and pointed the way to their enjoyment.

Abraham Lincoln was no superman. Like the great Washington, whose monumental shaft towers near by as a fit companion to the memorial we dedicate to-day, the two testifying the grateful love of all Americans to founder and savior—like Washington, Lincoln was a very natural human being, with the frailties mixed with the virtues of humanity. There are neither supermen nor demigods in the government of kingdoms, empires, or republics. It will be better for our conception of government and its institutions if we will understand this fact. It is vastly greater than finding the superman if we justify the confidence that our institutions are capable of bringing into authority in time of stress men big enough and strong enough to meet all demands.

Washington and Lincoln offered outstanding proof that a representative popular government, constitutionally founded, can find its own way to salvation and accomplishment. In the very beginning our American democracy turned to Washington, the aristocrat, for leadership in revolution and the greater task of founding permanent institutions. The wisdom of Washington and Jefferson and Hamilton and Franklin was proven when Lincoln, the child of privation, of hardship, of barren environment and meager opportunity, rose to unquestioned leadership when disunion threatened.

Lincoln came almost as humbly as the Child of Bethlehem. His parents were unlettered, his home was devoid of every element of culture and refinement. He was no infant prodigy, no luxury facilitated or privilege hastened his development, but he had a God-given intellect, a love for work, a willingness to labor, and a purpose to succeed.

Biographies differ about his ambition, but Herndon, who knew him as did no other, says he was greatly ambitious. I can believe that. Ambition is a commendable attribute, without which no man succeeds. Only inconsiderate ambition imperils.

Lincoln was modest, but he was sure of himself, and always greatly simple. Therein was his appeal to the confidence of his country. When he believed he was right a nation believed him to be right and offered all in his support.

His work was so colossal, in the face of such discouragement, that none will dispute that he was incomparably the greatest of our Presidents. He came to authority when the Republic was beset by foes at home and abroad, and reestablished union and security. He made that gesture of his surpassing generosity which began reunion. Let us forget the treachery, corruption, and incompetence with which he had to combat, and recall his wisdom, his unselfishness, his sublime patience. He resented no calumnies upon himself; he held no man his enemy who had the power and will to serve the union, his vision was blinded by no jealousy. He took his advisors from among his rivals, invoked their patriotism and ignored their plottings. He dominated them by the sheer greatness of his intellect, the singleness and honesty of his purpose, and made them responsive to his hand for the accomplishment of the exalted purpose. Amid it all there was a gentleness, a kindness, a sympathetic sorrow, which suggest a divine intent to blend mercy with power in supreme attainment.

This memorial, matchless tribute that it is, is less for Abraham Lincoln than for those of us to-day, and for those who follow after. His surpassing compensation would have been in living, to have his 10,000 sorrows dissipated in the rejoicings of the succeeding half century. He loved "his boys" in the Army, and would have reveled in the great part they played in more than a half century of the pursuit of peace and concord restored. How he would have been exalted by the chorus of the Union after "the mystic chords" were "touched by the better angels of our nature"! How it would comfort his great soul to know that the States in the southland join sincerely in honoring him, and have twice since his day joined, with all the fervor of his own great heart, in defending the flag! How it would soften his anguish to know that the South long since came to realize that a vain assassin robbed it of its most sincere and potent friend when it was prostrate and stricken, when Lincoln's sympathy and understanding would have helped to heal the wounds and hide the scars and speed the restoration! How with his love of freedom and justice this apostle of humanity would have found his sorrows tenfold repaid to see the hundred millions to whom he bequeathed reunion and nationality, giving of their sons and daughters and all their fortunes to halt the armed march of autocracy and preserve civilization, even as he preserved the Union!

More, how his great American heart would be aglow to note how resolutely we are going on, always on, holding to constitutional methods, amending to meet the requirements of a progressive civilization, clinging to majority rule, properly restrained, which is "the only true sovereign of a free people," and working to the fulfillment of the destiny of the world's greatest Republic.

Fifty-seven years ago this people gave from their ranks, sprung from their own fiber, this plain man, holding their common ideals. They gave him first to service of the Nation in the hour of peril, then to their Pantheon of Fame. With them and by them he is enshrined and exalted forever.

To-day American gratitude, love, and appreciation give to Abraham Lincoln this lone white temple, a Pantheon for him alone.

PRESIDENT HARDING'S ADDRESS AT MEMORIAL SERVICES TO CONFEDERATE DEAD.

Mr. McCORMICK. At the request of the junior Senator from Mississippi [Mr. HARRISON] I ask unanimous consent to have printed in the RECORD in the regular RECORD type the address by the President delivered at Arlington, Va., on June 5, 1922, on the occasion of memorial services to the Confederate dead.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

HARDING ADDRESSES VETERANS OF GRAY AT ARLINGTON JUNE 5, 1922.

The President of the United States, himself the son of a Union veteran, joined with the gray-garbed, gray-haired veterans of the Confederacy who stood with bowed heads at the gravesides of their comrades in "The Lost Cause," yesterday in Arlington Cemetery, and paid their annual tribute of love for those who have gone on the last long march.

BENEATH ENTWINED BANNERS.

Standing beneath the stars and bars as they hung close beside the Stars and Stripes, President Harding uttered a prayer of gratitude of a reunited Republic that the Nation weathered successfully the storms of the great civil struggle to be drawn into a more closely riveted Union.

SPECTACLE SELDOM PARALLELED.

It was a spectacle seldom paralleled in the history of the Nation. Coming as it did in the spring of a year which has seen massive memorials dedicated to that great martyr President, Abraham Lincoln, who guided the destinies of the Union, and to that magnanimous leader of a victorious army, Ulysses Simpson Grant, when veterans of the gray stood with veterans of the blue, the annual tribute to the Confederate dead took on a deeper significance.

The act of reunion was completed, for the veterans and the sons of the gray stood with the guardian of the fold from which they sought to flee, and gave an unqualified pledge of loyalty.

President Harding did not hesitate to laud the courage of the men who fought for the Confederacy, although he cautioned, "I did not mean to say that the Confederacy was right, although I am glad to say to you that I believe you thought it was right."

The opening words of the President's informal remarks at the exercises, at which he first planned to be only a spectator, sounded the keynote of the occasion which brought the sons and daughters of friend and foe in the great Civil War to the gravesides of the Confederates. Addressing the gathering as "My countrymen all," the President called attention to himself as the son of a Union soldier.

SPIRIT OF LINCOLN RECALLED.

"Whether I come to-day as the son of a veteran of the Grand Army of the Republic," he said, "to bestow a vocal tribute on those who perished in the cause they believed to be right, or whether I come as President of the United States to speak my gratitude to those who have helped to reestablish peace and concord, it matters little."

The spirit of the martyred Lincoln, whose memory is enshrined forever in the marble temple that stands across the placid Potomac from the great city of the dead, must have looked down with a feeling of unlimited thanksgiving on his successor as he spoke the words which typified the spirit of a united and indivisible Nation. "I know their sentiment," he declared, "and life is better and sweeter for such feeling and such sentiment."

It remained for the present leader of the Union to formulate into articulate speech the tribute higher than which no man can give to a former antagonist. "Those who fought for the Confederacy were as sincere human beings as could be," said Mr. Harding.

TRIBUTE TO SONS AND DAUGHTERS.

To their sons and daughters he added a word of tribute. "Speaking as the son of one who fought in the Union cause, I want to say that I have only gratitude, commendation, and the sincerest tribute a man can utter for their sons and daughters who have lived in the great aftermath and ably assisted in turning disunion into union, turning discored into concord and reclaiming for posterity all those things so essential to the welfare of this Republic.

"It is my privilege to see the manifestations of this reconsecration of the Southland. There come to my mind such names as dear old Joe Wheeler, whom I saw go to the front to defend his country, and Fitzhugh Lee, who headed the first troops that entered Havana in the Spanish-American War. And in that conflict let me say that we of America were brought into complete accord."

HIS TRIBUTE TO THE GRAY.

Tribute to the spirit of the veterans and sons of the gray in turning defeat into rebuilding of the Nation was likewise spoken by the President, who declared he wished to pay "the greatest tribute to you of the gray," and his tribute was one for the man who bore up as a loser. "It is easier to forgive and forget if you are on the triumphant side," said Mr. Harding, "but it takes a bigger heart to forgive and forget if you have gone down to defeat in the lost cause. I would like to see more of this fellowship and comradeship which marks a united America."

Pointing to the frequent evils which grow out of not understanding the other's viewpoint, Mr. Harding applied the lesson to the rift in the Union. The discovering Spaniard who visited our shores and after touching a point, known now to be but a short distance inland, went home and said he had explored the country entire, he indicated as showing the spirit of lack of understanding among peoples.

BOTH VIEWPOINTS LEARNED.

"In that conflict" he told the Confederate gathering, "we learned one another's viewpoint." The President was unable to restrain himself from taking occasion to revert to the sight which moved him to digress from his address at the dedication of the Lincoln Memorial, when he called attention to the veterans of the blue and the gray who joined in honoring the martyr President.

"There I saw flanking the flag these veterans of the gray and abreast of them, flanking the flag on the other side, the veterans of the blue. It was a memorable sight, and it gave a little added glory to the flag," he declared.

There is no more sectionalism, Mr. Harding declared with some emphasis. "Our interests are interdependent in North, South, East, and West," he said. During the time of the war he pointed out that the Southern phase was largely an economic one, and in the North there was but another phase of the same situation.

RECESS.

Mr. CURTIS. I move that the Senate take a recess, the recess being under the order previously entered, until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 10 o'clock and 15 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, June 9, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 8 (legislative day of April 20), 1922.

UNITED STATES ATTORNEY.

Henry M. Holden, of Texas, to be United States attorney, southern district of Texas, vice D. E. Simmons, resigned. To become effective July 1, 1922.

UNITED STATES MARSHAL.

James E. McClure, of Illinois, to be United States marshal, southern district of Illinois, vice Vincent Y. Dallman, resigned. Effective July 1, 1922.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. William Elliott, Quartermaster Corps, from May 2, 1922.

Lieut. Col. Andrew Jackson Dougherty, Infantry, from May 8, 1922.

Lieut. Col. Oliver Stevens Eskridge, Infantry, from May 10, 1922.

To be lieutenant colonels.

Maj. Charles Keller, Infantry, from May 2, 1922.
Maj. Howard Russell Smalley, Cavalry, from May 3, 1922.
Maj. John Scott, Infantry, from May 8, 1922.
Maj. Smith Aaron Harris, Infantry, from May 10, 1922.
Maj. Noble James Wiley, Infantry, from May 12, 1922.

To be majors.

Capt. Irving Howard Engleman, Infantry, from May 2, 1922.

Capt. William M. Cravens, Coast Artillery Corps, from May 3, 1922.

Capt. Frederick Joseph de Rohan, Infantry, from May 8, 1922.

Capt. Frederick Schoenfeld, Quartermaster Corps, from May 10, 1922.

Capt. Earl Jay Dodge, Infantry, from May 11, 1922, subject to examination required by law.

Capt. Arthur Paul Thayer, Cavalry, from May 12, 1922.

To be captains.

First Lieut. Leonard Louis Davis, Coast Artillery Corps, from November 27, 1921.

First Lieut. Harold Leo Stiebel, Coast Artillery Corps, from November 27, 1921.

First Lieut. Webster Fletcher Putnam, jr., Coast Artillery Corps, from November 29, 1921.

First Lieut. Merle Halsey Davis, Ordnance Department, from December 1, 1921.

First Lieut. George Berry Dobyns, Coast Artillery Corps, from December 4, 1921.

First Lieut. Henry Devries Cassard, Coast Artillery Corps, from December 4, 1921.

First Lieut. Edward Hanson Connor, jr., Infantry, from December 9, 1921.

First Lieut. Neal Creighton, Air Service, from December 10, 1921.

First Lieut. George Peter Toft, Quartermaster Corps, from December 11, 1921.

First Lieut. Alonzo Maning Drake, Air Service, from December 15, 1921.

First Lieut. Charles Raymond Melin, Air Service, from December 16, 1921.

First Lieut. Victor Herbert Strahm, Air Service, from December 16, 1921.

First Lieut. Robert Jesse Whatley, Infantry, from December 16, 1921.

First Lieut. Waldo Sebastian Ickes, Finance Department, from December 18, 1921.

First Lieut. Ira Robert Koenig, Air Service, from December 18, 1921.

First Lieut. Harry Allen Sanford, Philippine Scouts, from December 19, 1921.

First Lieut. Earl Wells, Philippine Scouts, from December 22, 1921.

First Lieut. Raynor Garey, Field Artillery, from December 22, 1921.

First Lieut. Philip Schneeberger, Air Service, from December 22, 1921.

First Lieut. Gouverneur Hoes, Infantry, from December 23, 1921.

First Lieut. Victor Schmidt, Coast Artillery Corps, from December 24, 1921.

First Lieut. George Franklin Parris, Air Service, from December 24, 1921.

First Lieut. Fred Bidwell Lyle, Field Artillery, from December 24, 1921.

First Lieut. Karl Shaffner Axtater, Air Service, from December 25, 1921.

First Lieut. Clinton Bowen Fisk Brill, Quartermaster Corps, from December 26, 1921.

First Lieut. William Joseph Flood, Air Service, from December 28, 1921.

First Lieut. Francis Dundas Ross, jr., Infantry, from December 28, 1921.

First Lieut. Frank Edward Monville, Quartermaster Corps, from December 30, 1921.

First Lieut. George Merrill Palmer, Air Service, from January 1, 1922.

First Lieut. Charles Rawlings Chase, Cavalry, from January 1, 1922.

First Lieut. Loren Francis Parmley, Cavalry, from January 2, 1922.

First Lieut. Erle Fletcher Cress, Cavalry, from January 4, 1922.
First Lieut. Lynn Packard Vane, Coast Artillery Corps, from January 4, 1922.
First Lieut. John Austin Pixley, Coast Artillery Corps, from January 6, 1922.
First Lieut. Otta Marshall, Coast Artillery Corps, from January 7, 1922.
First Lieut. Edwin Cleveland Callicutt, Coast Artillery Corps, from January 8, 1922.
First Lieut. Ray Harrison Green, Quartermaster Corps, from January 9, 1922.
First Lieut. Hugh Williamson Rowan, Chemical Warfare Service, from January 11, 1922.
First Lieut. Russell William Goodyear, Quartermaster Corps, from January 12, 1922.
First Lieut. Lewis Rinehart Pfoutz Reese, Air Service, from January 12, 1922.
First Lieut. Byron Turner Burt, jr., Air Service, from January 15, 1922.
First Lieut. Earle Gene Harper, Air Service, from January 21, 1922.
First Lieut. Philip Gilstrap Bruton, Corps of Engineers, from January 28, 1922.
First Lieut. Eugene Joseph Minarelli FitzGerald, Infantry, from January 29, 1922.
First Lieut. Charles Earl Whitney, Ordnance Department, from January 31, 1922.
First Lieut. Lotha August Smith, Air Service, from February 5, 1922.
First Lieut. Edward Higley Guilford, Air Service, from February 5, 1922.
First Lieut. Junius Augustus Smith, Air Service, from February 11, 1922.
First Lieut. William Henry Carthy, Air Service, from February 22, 1922.
First Lieut. Horace Leland Porter, Corps of Engineers, from February 22, 1922.
First Lieut. Arthur Leo Lavery, Coast Artillery Corps, from February 22, 1922.
First Lieut. Ernest Andrew Thompson, Signal Corps, from February 22, 1922.
First Lieut. William Andrew Gray, Air Service, from February 22, 1922.
First Lieut. Franz Joseph Jonitz, Quartermaster Corps, from February 22, 1922.
First Lieut. William Valery Andrews, Air Service, from February 24, 1922.
First Lieut. George Stetekluh, Quartermaster Corps, from February 24, 1922.
First Lieut. Frank Marion Barrell, Quartermaster Corps, from February 25, 1922.
First Lieut. Stanton Higgins, Cavalry, from February 28, 1922.
First Lieut. Holden Spear, Quartermaster Corps, from February 28, 1922.
First Lieut. Frank Merrill Bartlett, Air Service, from February 28, 1922.
First Lieut. Benson Glenwood Scott, Field Artillery, from March 2, 1922.
First Lieut. Redding Francis Perry, Cavalry, from March 2, 1922.
First Lieut. Walter Arthur Metts, jr., Field Artillery, from March 2, 1922.
First Lieut. Frank Camm, Field Artillery, from March 5, 1922.
First Lieut. Robert Morgan Burrowes, Infantry, from March 6, 1922.
First Lieut. Richard Oscar Bassett, jr., Infantry, from March 7, 1922, subject to examination required by law.
First Lieut. Percy Stuart Lowe, Coast Artillery Corps, from March 9, 1922.
First Lieut. Lewis Alonzo Murray, Corps of Engineers, from March 12, 1922.
First Lieut. Rene Edward deRussy, Coast Artillery Corps, from March 14, 1922.
First Lieut. Marion Gardner Putnam, jr., Air Service, from March 23, 1922.
First Lieut. Clyde Grady, Infantry, from March 27, 1922.
First Lieut. Walter Drake Williams, Air Service, from March 29, 1922.
First Lieut. William Henry Payne, Quartermaster Corps, from March 29, 1922.
First Lieut. Thomas Tilson Conway, Infantry, from April 1, 1922.
First Lieut. Edgar Ambrose Jarman, Infantry, from April 2, 1922.
First Lieut. Regeon Victor Love, Coast Artillery Corps, from April 4, 1922.
First Lieut. Svening Johannes Bang, Cavalry, from April 5, 1922.
First Lieut. Allan Sheldon Willis, Infantry, from April 6, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

FIELD ARTILLERY.

First Lieut. Frederick Brenton Porter, Infantry, with rank from March 2, 1920.
First Lieut. Clark Hazen Mitchell, Infantry, with rank from October 9, 1919.
First Lieut. Thomas Francis Hickey, Infantry, with rank from July 1, 1920.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8 (legislative day of April 20), 1922.

COAST AND GEODETIC SURVEY.

Angus Raymond Jessup to be aid, with relative rank of ensign in the Navy.

POSTMASTERS.

ARKANSAS.

Guy H. Langley, Monette.
James A. Skipper, England.
Alice R. Beard, Gentry.
Walter G. Baker, Peach Orchard.

FLORIDA.

William H. May, Tallahassee.

INDIANA.

Hugh A. Fenters, Macy.
Clarence E. Sparling, Osgood.

KENTUCKY.

Luther P. Maxey, Adairville.
Leonard J. Hammel, Bonnyman.
Ward H. Metcalfe, Brooksville.
Harvey H. Pherigo, Clay City.
Carl H. Boone, Leitchfield.
Tom H. Brown, Millersburg.
Zephaniah Harrel, Rockport.

MAINE.

George W. Hopkins, Howland.
Carroll H. Clark, Ogunquit.
Cynthia R. Clement, Seal Harbor.

MASSACHUSETTS.

Harry E. Gaylord, Hadley.

MISSISSIPPI.

Ellen V. Montgomery, Potts Camp.
Benson L. Myers, West Point.

NORTH CAROLINA.

Luther J. Tucker, Maxton.
Chester C. Lord, Montreal.

SOUTH CAROLINA.

Andrew L. Dickson, Calhoun Falls.
Samuel W. Parks, Fort Mill.

TENNESSEE.

John B. Elliott, Athens.
John V. Allmon, Gleason.
Link Monday, Kimberlin Heights.
Jacob L. Shoun, Kingsport.
John S. Wisecarver, Mohawk.
Masie F. Patterson, Woodbury.

WEST VIRGINIA.

Harvey A. Henderson, Minden.
Edward E. Reyburn, Vivian.

REJECTION.

Executive nomination rejected by the Senate June 8 (legislative day of April 20), 1922.

POSTMASTER.

Benjamin J. Mixson to be postmaster at Orangeburg, S. C.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 8, 1922.*

The House met at 12 o'clock noon and was called to order by Mr. WALSH, Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, Thou art God who dwells in the infinite strength of divine love. We thank Thee that it is Thy nature to come to the help of Thy earthly children. Interpret unto us again Thy ways of righteousness and truth. We bless Thee that Thy mercy is big enough to cover all sin, to heal all wounds, and to comfort all sorrow. The Lord bless our country. May we be a united people—the very right arm of our Government. In this hour, with problems affecting the welfare of all and questions shaping the future of the Republic, O give great wisdom to our President and all associated with him in authority, and bestow calm judgment and broad charity to guide the great work committed to their care. In Thy name. Amen.

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

LEAVE OF ABSENCE.

Mr. HENRY, by unanimous consent, was given leave of absence for two days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11646. An act authorizing the construction of a bridge across the Ohio River near Steubenville, Ohio; and

H. R. 11407. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920.

JOURNAL OF THE FIFTY-SIXTH NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. KIESS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The Clerk read as follows:

House Concurrent Resolution 36 (Rept. 1074).

Resolved, etc., That there shall be printed as a House document 1,500 copies of the journal of the Fifty-sixth National Encampment of the Grand Army of the Republic for the year 1922, not to exceed $1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 copies for the use of the Senate.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

EMPLOYEES OF THE ALIEN PROPERTY CUSTODIAN.

Mr. KIESS. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House Concurrent Resolution 59 (Rept. 1075).

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 3,000 additional copies of Senate Document No. 181, Sixty-seventh Congress, entitled "A letter of the Alien Property Custodian Transmitting a Report Showing the Names of All Persons Employed by the Alien Property Custodian," of which 1,000 copies shall be for the use of the Senate document room and 2,000 copies for the House document room.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SUBSTITUTE TELEPHONE OPERATOR.

Mr. A. P. NELSON. Mr. Speaker, by direction of the Committee on Accounts I present the following privileged resolution.

The Clerk read as follows:

House Resolution 359 (Rept. 1076).

Resolved, That there shall be paid out of the contingent fund of the House, from April 22, 1922, and during the remainder of the present fiscal year, compensation not exceeding the rate of $2.50 per diem for the services of a substitute telephone operator.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. GARRETT of Tennessee. My attention was distracted for the moment, will the gentleman from Wisconsin state what this is?

Mr. A. P. NELSON. There has been appropriated each year $500 for the purpose of hiring extra telephone service. That has been exhausted and it is necessary to provide approximately $175 additional in order to make provision for the payment of the substitute telephone operators to July 1, 1922.

Mr. HICKS. Is this to take care of the vacation period?

Mr. A. P. NELSON. No; it is to put an operator in the place of those who are sick and must have substitutes to take their places. The annual appropriation of $500 is not sufficient to take care of the unusual sick list of this year, and this additional amount of about $175 is necessary to carry us to July 1 of the current year.

Mr. GARNER. Will the gentleman yield?

Mr. A. P. NELSON. Yes. I will yield.

Mr. GARNER. This is the first resolution of this character that has been necessary, because the $500 has been sufficient heretofore to pay the substitutes. I presume if they do not have as much sickness next year this extra amount will not then be necessary.

Mr. A. P. NELSON. That is the understanding of the committee.

Mr. GARNER. Has the chief telephone operator recommended the passage of this bill?

Mr. A. P. NELSON. Yes; and it is the unanimous report of the committee. I wish to say further that the telephone operators are giving most excellent service, endeavoring to make it as far as possible under the conditions a service of real efficiency.

The resolution was agreed to.

LYDIA SHORT.

Mr. A. P. NELSON. Mr. Speaker, by direction of the Committee on Accounts I present the following privileged resolution:

The Clerk read as follows:

House Resolution 362 (Rept. 1077).

Resolved, That there shall be paid, out of the contingent fund of the House, to Lydia Short, widow of Levi E. Short, late an employee of the House of Representatives, a sum equal to six months of his compensation as said employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said Levi E. Short.

Mr. A. P. NELSON. Mr. Speaker, this resolution is the customary resolution recommended by the committee on the death of an employee. I yield to the gentleman from New York [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Speaker, this resolution has reference to the funeral expenses and death of an employee of the House. Perhaps many of you knew Levi Short. He was on the old soldiers' roll and had been upon one of the doors of the House for many years. He served in the Civil War, enlisting prior to the attainment of his majority, going into the service at the age of 16, running away from home for the purpose of enlistment. With the consent of the House, I would like to place in the RECORD a few words with reference to his service to his country.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MACGREGOR. Mr. Speaker, Levi E. Short, who has been for many years on the soldiers' roll of the House of Representatives, has answered the final roll call and taps have been sounded at the end of a useful and worthy life.

He was one of the fast-thinning ranks of the boys in blue who answered the trumpet call of duty in '61, and his life history was typical of the young men of those days of strife and turmoil.

He was the youngest of the family, a lad of 16, at school. His father and brother were in the Army at the front, and his mother clung to the one remaining man child of the family with all of a mother's devotion, and pleaded with him to stay with her when the restless urge of the day stirred patriotic longings in his boyish breast.

He finally enlisted but, as he was a minor, his mother haled her boy back from the camp and sent him back to school.

He tried to obey, but the "battle cry of freedom" proved stronger than a mother's pleadings and he left school one day at recess, leaving his books on his desk, went down the river and enlisted under an assumed name.

He was but a lad of 16, but in less than a week he had joined his regiment at the front, the old "Fighting One hundredth Infantry of New York," and before two weeks in the Army, with no drill nor camp preparation, he was in battle and served to the end of the war.

After the war he settled down in Buffalo, N. Y., and was prominent in the strenuous political battles of the period right after the Civil War. He came to Washington a score of years ago with Colonel Alexander and has remained here ever since.

He was always active in behalf of his comrades and had become an expert in pension matters, so much so that veterans not only from his home town but from all parts of the country wrote to him for advice, aid, and counsel, and he was ever ready to aid a stricken comrade or a comrade's widow.

So he lived his simple, kindly life. To help a friend, to succor a comrade, was his greatest joy. A devoted husband and a tender, solicitous father, he was a splendid example of that noble type we call an "American citizen."

And now he sleeps the last sleep with the comrades that have gone before. A well-rounded life, full of honor, has ended. The loyal friend of those who knew him, the trusty comrade of his war-time pals, the wise counsellor of a host of younger men, the husband and the father, has gone ahead leaving a memory fragrant with love and full to the brim of all that is noble and pure in humanity. May the soul of Levi Short rest in peace.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

LOAN OF COTS, ETC., TO AMERICAN LEGION.

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of H. J. Res. 343, authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of the American Legion at the Michigan State encampment to be held at Iron Mountain, Mich, in July, 1922.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent for the present consideration of H. J. Res. 343. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan to the executive committee of the American Legion at Iron Mountain, Mich., having in charge the arrangements for the State encampment of said order, to be held in Iron Mountain, Mich., in July, 1922, such blankets, mattresses, and cots as may be required at said meeting: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said executive committee at Iron Mountain, Mich., at such time prior to the date of such meeting as may be agreed upon by the Secretary of War and the chairman of said executive committee: *Provided further*, That the Secretary of War shall, before delivering such property, take from the said chairman of said executive committee a good and sufficient bond for the safe return of said property in good order and condition, the whole transaction to be without expense to the Government of the United States of America.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, is this a unanimous report from the committee?

Mr. JAMES. It is.

Mr. GARNER. This is in the established or regular form of resolutions authorizing the use of blankets, and so forth, by the various soldier organizations throughout the country?

Mr. JAMES. Yes.

Mr. GARNER. Then if I understand this, this will probably be the established policy of Congress whenever a State legion has an encampment in any one of the States of the Union. Congress will pass a joint resolution authorizing the Secretary of War to furnish them with cots, blankets, and so forth, under certain limitations such as this resolution provides.

Mr. JAMES. I do not know about the policy in the future, but our committee has reported out quite a few resolutions worded just as this is.

Mr. GARNER. Has the gentleman's committee ever declined to report any resolution where a State legion or the G. A. R. or other regular soldiers' organizations have asked for it?

Mr. JAMES. It has not.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FIXING STANDARD SIZES FOR FRUIT AND VEGETABLE BASKETS, ETC.

The SPEAKER pro tempore. Under a previous order entered, the bill (H. R. 7102) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, is in order to-day, and the Chair will recognize the gentleman from Indiana [Mr. VESTAL] to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of that bill.

Mr. QUIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, and the Sergeant at Arms will bring in absentees. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dunn	Kline, N. Y.	Sabath
Andrew, Mass.	Edmonds	Knight	Sanders, Ind.
Ansorge	Evans	Kreider	Sanders, N. Y.
Arentz	Faust	Kunz	Schall
Bankhead	Fenn	Larson, Minn.	Sears
Beck	Fess	Lineberger	Shreve
Bell	Fields	Linthicum	Sinclair
Black	Fisher	Longworth	Smith, Mich.
Bland, Ind.	Fitzgerald	Luce	Smithwick
Blanton	Focht	Luhring	Snyder
Boies	Fordney	Lyon	Steagall
Brennan	Foster	McClintic	Stedman
Britten	Frear	McFadden	Steenerson
Brooks, Pa.	Free	McPherson	Stevenson
Burdick	Freeman	Maloney	Stiness
Burke	Fuller	Mann	Stoll
Burtness	Funk	Mansfield	Strong, Pa.
Butler	Gallivan	Merritt	Sullivan
Cantrill	Glynn	Michaelson	Sumners, Tex.
Carter	Goodykoontz	Miller	Swank
Chandler, N. Y.	Gould	Moore, Ill.	Sweet
Clark, Fla.	Graham, Ill.	Morin	Taylor, Ark.
Classon	Griffin	Mudd	Taylor, Colo.
Cockran	Harrison	Nelson, J. M.	Taylor, Tenn.
Codd	Haugen	Nolan	Temple
Cole, Iowa	Hawes	Padgett	Ten Eyck
Connell	Hays	Paige	Tilson
Connolly, Pa.	Henry	Park, Ga.	Treadway
Cooper, Ohio	Hill	Parker, N. J.	Tyson
Cooper, Wis.	Hooker	Parks, Ark.	Upshaw
Copley	Hudspeth	Patterson, N. J.	Vare
Coughlin	Hutchinson	Perkins	Vinson
Crowther	Ireland	Perlman	Voigt
Curry	Jefferis, Nebr.	Porter	Volk
Darrow	Johnson, S. Dak.	Rainey, Ala.	Ward, N. Y.
Davis, Minn.	Kahn	Ransley	Wason
Dempsey	Kelley, Mich.	Rayburn	Weaver
Dickinson	Kennedy	Reber	Winslow
Doughton	Kindred	Rhodes	Wood, Ind.
Drane	Kinkaid	Riordan	Woodyard
Drewry	Kitchin	Robsion	Wurzbach
Driver	Kleczka	Rouse	Yates

Mr. VESTAL. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. QUIN) there were—ayes 132, noes 13.

Mr. QUIN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Mississippi demands the yeas and nays. Those in favor of taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Five Members have risen, not a sufficient number, and the yeas and nays are refused.

Mr. QUIN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HICKS. Mr. Speaker, I make the point of order that that is dilatory. The roll has just been called and disclosed the presence of a quorum.

The SPEAKER pro tempore. The Chair will state that it does not require a quorum to dispense with further proceedings under the call.

Mr. QUIN. Mr. Speaker, I appeal from the decision of the Chair.

The SPEAKER pro tempore. The gentleman from Mississippi appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the House.

The question was taken, and there were—ayes 146, noes 1.

So the decision of the Chair stood as the decision of the House.

So the motion to dispense with further proceedings under the call was agreed to.

The doors were opened.

Mr. VESTAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7102, the basket bill.

The question was taken; and on a division (demanded by Mr. QUIN) there were—ayes 116, noes 13.

Mr. QUIN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-two Members present, not a quorum. 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 Indiana that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 7102.

The question was taken; and there were—yeas 197, nays 55, answered "present" 1, not voting 176, as follows:

YEAS—197.

Ackerman	Bacharach	Bird	Bowers
Andrews, Nebr.	Barbour	Bixler	Brooks, Ill.
Anthony	Beedy	Blakeney	Brown, Tenn.
Appleby	Begg	Bland, Va.	Browne, Wis.
Atkeson	Benham	Bond	Burdick

Burroughs	Greene, Mass.	Luhring	Robertson
Burton	Greene, Vt.	McCormick	Rodenberg
Cable	Griest	McDuffie	Rogers
Campbell, Kans.	Hadley	McKenzie	Rose
Campbell, Pa.	Hammer	McLaughlin, Mich.	Rosenbloom
Carew	Hardy, Colo.	McLaughlin, Nebr.	Ryan
Chalmers	Haugen	McLaughlin, Pa.	Schall
Chandler, Okla.	Hawes	MacGregor	Scott, Mich.
Chindblom	Hawley	Madden	Shaw
Christopherson	Hayden	Magee	Shelton
Clague	Herrick	Mansfield	Siegel
Clarke, N. Y.	Hersey	Mapes	Sinnott
Clouse	Hickey	Mead	Smith, Idaho
Cole, Ohio	Himes	Michener	Snell
Collins	Hoch	Millspaugh	Speaks
Colton	Huddleston	Mondell	Sproul
Crago	Hukriede	Montague	Steenerson
Cramton	Hull	Montoya	Stephens
Cullen	Humphreys	Moore, Ohio	Strong, Kans.
Curry	Husted	Moores, Ind.	Summers, Wash.
Dale	James	Morgan	Swing
Dallinger	Kearns	Murphy	Tague
Denison	Keller	Nelson, Me.	Taylor, N. J.
Dowell	Kelly, Pa.	Nelson, A. P.	Thompson
Dunbar	Kendall	Newton, Minn.	Timberlake
Dyer	Ketcham	Newton, Mo.	Tincher
Edmonds	Kiess	Norton	Tinkham
Elliott	King	O'Brien	Towner
Ellis	Kirkpatrick	Ogden	Vaile
Fairchild	Kissel	Osborne	Vestal
Fairfield	Kleczka	Parker, N. Y.	Volstead
Fish	Kline, Pa.	Patterson, Mo.	Walters
Free	Knutson	Petersen	Watson
French	Kopp	Pringey	Webster
Frothingham	Kraus	Purnell	White, Kans.
Fulmer	Lampert	Radcliffe	White, Me.
Gahn	Lawrence	Rainey, Ill.	Williams, Ill.
Garner	Layton	Raker	Williamson
Garrett, Tenn.	Lea, Calif.	Reece	Woodruff
Gensman	Leatherwood	Reed, N. Y.	Wyant
Gernerd	Lee, Ga.	Reed, W. Va.	Young
Goldsborough	Lee, N. Y.	Rhodes	Zihlman
Gorman	Lehlbach	Ricketts	
Graham, Pa.	Logan	Riddick	
Green, Iowa	Lowrey	Roach	

NAYS—55.

Almon	Dominick	Lankford	Rucker
Aswell	Dupré	Larsen, Ga.	Sanders, Tex.
Barkley	Echols	Lazaro	Sandlin
Bowling	Favrot	London	Steagall
Box	Garrett, Tex.	McSwain	Sumners, Tex.
Brand	Gilbert	Martin	Thomas
Buchanan	Hardy, Tex.	Moore, Va.	Tillman
Bulwinkle	Jacoway	O'Connor	Tucker
Byrnes, S. C.	Jeffers, Ala.	Oldfield	Ward, N. C.
Byrns, Tenn.	Johnson, Ky.	Oliver	Wilson
Collier	Johnson, Miss.	Overstreet	Wingo
Connally, Tex.	Jones, Tex.	Pou	Wise
Crisp	Kincheloe	Quin	Woods, Va.
Davis, Tenn.	Lanham	Rankin	

ANSWERED "PRESENT"—1.

McArthur

NOT VOTING—176.

Anderson	Evans	Langley	Sanders, N. Y.
Andrew, Mass.	Faust	Larson, Minn.	Scott, Tenn.
Ansorge	Fenn	Lineberger	Sears
Arentz	Fess	Linthicum	Shreve
Bankhead	Fields	Little	Sinclair
Beck	Fisher	Longworth	Sisson
Bell	Fitzgerald	Luce	Slemp
Black	Focht	Lyon	Smith, Mich.
Bland, Ind.	Fordney	McClintic	Smithwick
Blanton	Foster	McFadden	Snyder
Boies	Frear	McPherson	Stafford
Brennan	Freeman	Maloney	Stedman
Briggs	Fuller	Mann	Stevenson
Britten	Funk	Merritt	Stiness
Brooks, Pa.	Gallivan	Michaelson	Stoll
Burke	Glynn	Miller	Strong, Pa.
Burtness	Goodykoontz	Mills	Sullivan
Butler	Gould	Moore, Ill.	Swank
Cannon	Graham, Ill.	Morin	Sweet
Cantrill	Griffin	Mott	Taylor, Ark.
Carter	Harrison	Mudd	Taylor, Colo.
Chandler, N. Y.	Hays	Nelson, J. M.	Taylor, Tenn.
Clark, Fla.	Henry	Nolan	Temple
Classon	Hicks	Olpp	Ten Eyck
Cockran	Hill	Padgett	Tilson
Codd	Hogan	Paige	Treadway
Cole, Iowa	Hooker	Park, Ga.	Tyson
Connell	Hudspeth	Parker, N. J.	Underhill
Connolly, Pa.	Hutchinson	Parks, Ark.	Upshaw
Cooper, Ohio	Ireland	Patterson, N. J.	Vare
Cooper, Wis.	Jefferis, Nebr.	Perkins	Vinson
Copley	Johnson, S. Dak.	Perlman	Voigt
Coughlin	Johnson, Wash.	Porter	Volk
Crowther	Jones, Pa.	Rainey, Ala.	Ward, N. Y.
Darrow	Kahn	Ramseyer	Wason
Davis, Minn.	Kelley, Mich.	Ransley	Weaver
Deal	Kennedy	Rayburn	Wheeler
Dempsey	Kindred	Reber	Williams, Tex.
Dickinson	Kinkaid	Riordan	Winslow
Doughton	Kitchin	Robsion	Wood, Ind.
Drane	Kline, N. Y.	Rossdale	Woodyard
Drewry	Knight	Rouse	Wright
Driver	Kreider	Sabath	Wurzbach
Dunn	Kunz	Sanders, Ind.	Yates

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Stiness with Mr. McClintic.

Mr. Kahn with Mr. Cantrill.

Mr. Treadway with Mr. Cockran.

Mr. Miller with Mr. Fisher.

Mr. Paige with Mr. Sullivan.

Mr. Sanders of Indiana with Mr. Driver.

Mr. Kennedy with Mr. Gallivan.

Mr. Larson of Minnesota with Mr. Stevenson.

Mr. Fess with Mr. Rayburn.

Mr. Burtness with Mr. Briggs.

Mr. Funk with Mr. Padgett.

Mr. Michaelson with Mr. Bell.

Mr. Rossdale with Mr. Doughton.

Mr. Burke with Mr. Smithwick.

Mr. Morin with Mr. Vinson.

Mr. Fitzgerald with Mr. Hooker.

Mr. Robsion with Mr. Linthicum.

Mr. Olpp with Mr. Wright.

Mr. Hutchinson with Mr. Swank.

Mr. Glynn with Mr. Drewry.

Mr. Henry with Mr. Bankhead.

Mr. Perkins with Mr. Park of Georgia.

Mr. Dickinson with Mr. Deal.

Mr. Johnson of Washington with Mr. Fields.

Mr. Kline of New York with Mr. Griffin.

Mr. Vare with Mr. Kitchin.

Mr. Strong of Pennsylvania with Mr. Black.

Mr. Ansorge with Mr. Carter.

Mr. Langley with Mr. Clark of Florida.

Mr. Fenn with Mr. Ten Eyck.

Mr. Krieder with Mr. Harrison.

Mr. Yates with Mr. Kunz.

Mr. Lineberger with Mr. Lyon.

Mr. Temple with Mr. Williams of Texas.

Mr. Frear with Mr. Tyson.

Mr. Cooper of Ohio with Mr. Upshaw.

Mr. Fuller with Mr. Drane.

Mr. Coughlin with Mr. Stoll.

Mr. Nolan with Mr. Riordan.

Mr. Knight with Mr. Sears.

Mr. Winslow with Mr. Taylor of Colorado.

Mr. Parker of New Jersey with Mr. Sabath.

Mr. Beck with Mr. Blanton.

Mr. Evans with Mr. Sisson.

Mr. Patterson of New Jersey with Mr. Weaver.

Mr. McPherson with Mr. Taylor of Arkansas.

Mr. Hicks with Mr. Hudspeth.

Mr. Davis of Minnesota with Mr. Kindred.

Mr. Codd with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present; the Doorkeeper will open the doors. The ayes have it, and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7102, and the gentleman from New York [Mr. HICKS] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7102, with Mr. HICKS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7102, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7102) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes.

The CHAIRMAN. When the bill was considered some time ago we had finished the reading of a certain portion of the bill. Nothing is pending, and the Clerk will read.

Mr. JONES of Texas. Mr. Chairman, I offer an amendment. Page 6, strike out subsection A of section 3.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 24, strike out subsection A of section 3.

Mr. VESTAL. Mr. Chairman, I make the point of order that there was no amendment pending at the time that section 3 was read, and we had finished reading section 3 when we adjourned, but there was no amendment pending.

Mr. JONES of Texas. I desire to say in answer to the gentleman that several of us were trying to secure recognition when the gentleman having the bill in charge was recognized to move that the committee rise. The Clerk had not started to read section 4, and section 3 is pending before the committee, and there were three or four Members on their feet seeking recognition.

The CHAIRMAN. The Chair feels in view of the fact that the committee rose without opportunity having properly been

given to offer an amendment that the amendment is in order and overrules the point of order.

Mr. VESTAL. I think the gentleman is right—that he was on his feet.

Mr. MONDELL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Texas.

I think there is some ground for argument against the establishment of uniform standards of measures.

There is some ground for argument against the establishment of these standards, but I think there is much more ground for argument in favor of the establishment of standards in the interest of the producer and in the interest of the consumer; and let me suggest to my friend from Texas that if we are to have standards, of course they must be accurate standards, and they must be defined to a subdivision of an inch. You can not get away from that. If we are to have standards at all they must be standards that are defined accurately.

But I did not rise particularly, Mr. Chairman, to discuss the amendment; it was to call to the attention of the Members of the House the fact that it looked for a time this morning as though we were on the verge of a single-handed, personally conducted filibuster.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. In just a moment. The gentleman from Texas who has just risen is not conducting that filibuster, and has no part in it. He is in good faith discussing the bill and its provisions. But I think, in view of the fact that it looks as though there was a filibuster on the horizon, it is the duty of all those on both sides who are in favor of the establishment of proper standards to remain here and keep a quorum in the committee. There may be differences of opinion as to the provisions of the bill, and I am sure that the Members of the House will give careful consideration to amendments that are offered and proposals of modification. But I am sure that we are all interested in having these questions settled one way or another, and the only way we can do that is by maintaining a quorum, by being here until this measure shall have been disposed of in accordance with the best judgment of the House. I want to appeal to gentlemen to remain, so that should there be a disposition to filibuster, that disposition may be discouraged.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. If I have the time I will yield.

Mr. JONES of Texas. I thoroughly agree with the gentleman that the standards should be accurately measured. I do not object to measurements of one-hundredth of an inch, but what I object to is that a man is not permitted to sell in any other container than those particular measures.

Mr. MONDELL. I think there is some ground of argument in favor of allowing the producer to sell in a variety of shapes, providing the content be the same. But the difficulty about that is that you leave the door open to fraud by inviting a multiplicity of containers. The purchaser can never be very certain just what he is purchasing unless you have some standards.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. VESTAL. Mr. Chairman, I rise to oppose the amendment of the gentleman from Texas [Mr. JONES]. I think the gentleman is mistaken in what this bill purports to do, in the first place. This bill does not purport to do anything except to establish standards by which the people of the country—and he says he talks for the American people—by which the people of the country will not be deceived as they have been deceived for years past. As a matter of fact, in the city of Cincinnati within the last two or three months more than 60 people have been arrested for using deceptive measures in that city.

Now, what we propose to do here is to make a general standard, so that there can be no opportunity for anybody who wants to do an honest business to deceive. Now, the gentleman from Texas says the measurements are brought down within a fraction of an inch. Of course, we make the standard that way, but there are tolerances so that no one who fails to come within half an inch is going to be prosecuted. This bill provides for tolerances.

Mr. JONES of Texas. It provides that there may be tolerances.

Mr. VESTAL. It provides that the Secretary of Agriculture shall fix tolerances. Of course, there will be tolerances. The gentleman knows that. This bill is not supposed to be so framed that a man who violates a measurement within half an inch is going to be prosecuted.

And another thing: This bill puts the burden on the manufacturers of the country. They are all in favor of it. They are anxious to have a standard. They are anxious to do this. If we make it unlawful to manufacture other than the standard sizes set out in the bill, there can be no complaint by the purchaser. He does not have to pay more for the standard basket. There is no royalty on these baskets. Anybody can manufacture these baskets who wants to. If a man is going to sell fruits or vegetables in a market he has to use a standard basket.

Mr. JONES of Texas. You require that he can only use a certain kind of basket.

Mr. VESTAL. If he wants to sell in the market he ought to sell in a standard basket, and I will say to the gentleman that the legislature of his State passed an act similar to this one.

Mr. JONES of Texas. Perhaps it was based on it.

Mr. VESTAL. Yes; and the law of the gentleman's own State will not permit any but a standard basket to come into the State.

Now, why not by Federal statute make a standard whereby the consumer will not be deceived by short-weight baskets? That is the whole proposition. Nobody who wants to do an honest business will be hurt. It is only the fellow who wants to do a dishonest business who will be hurt.

Mr. JONES of Texas. The gentleman says that under the law passed a little while ago—the unfilled basket law—they have been arrested. Why is not that law sufficient?

Mr. VESTAL. You are having different standards in different States probably. Let us have one Federal standard all over the United States, so that the man or the woman who goes down to the market and buys a basket of berries and buys what is supposed to be a quart will know that that measure has not a false bottom in it, but is a full quart.

Mr. JONES of Texas. That is the provision of the other bill.

Mr. VESTAL. No; that is in the standard container act that we passed here. Nobody would go back on that bill now. Now we have started to take it up from the quart measure to the 2-bushel basket. There is nothing in this bill that will hurt anybody who wants to do an honest business anywhere.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. VESTAL. Yes.

Mr. HUSTED. As the law now stands, is it not true that if you buy a basket of fruit the quantity of fruit you will receive for your money will depend upon the State in which you buy it?

Mr. VESTAL. Absolutely.

Mr. Chairman, in view of the fact that this bill has been up before and was passed by the Committee of the Whole House once with amendments—in view of the fact that the bill now before the committee is practically the same bill that we passed before as amended, I do not think we ought to take up a lot of time in discussing these sections, and I move that all debate on this amendment and all other amendments to this section be now closed.

The CHAIRMAN. The gentleman from Indiana moves that debate on this amendment and all amendments to this section be now closed.

The question being taken, on a division (demanded by Mr. QUIN) there were—ayes 88, noes 3.

Mr. QUIN. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members present, a quorum. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question being taken, the amendment was rejected.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

Mr. MONDELL. Debate is closed on this section.

The CHAIRMAN. The Chair will say to the gentleman from Mississippi that debate on this section has been closed. The Clerk will read.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture shall in his regulations under this act prescribe such tolerance as he may find necessary to allow in the capacities and specifications for hampers, round stave baskets, splint baskets, and parts thereof set forth in sections 1, 2, and 3 of this act, in order to provide for reasonable variations occurring in the course of manufacture and handling. If a cover be used upon any hamper or basket mentioned in this act, it shall be securely fastened or attached in such a manner, subject to the regulations of the Secretary of Agriculture, as not to reduce the capacity of such hamper or basket below that prescribed therefor. Each of the standard hampers, round stave baskets, and splint baskets mentioned in this act shall be truly marked by the manufacturer thereof, as his guaranty within the meaning of, and in accordance with, section 6 of this act, with its standard capacity content in legible letters and figures, to wit, 1 peck, one-half bushel, five-eighths bushel, 1 bushel, 1½ bushels, 2 bushels, 4 quarts, 8 quarts, 12 quarts, 16 quarts, or 24 quarts, as the case may be. The provisions of this act shall apply only to hampers and baskets made of wood or of which wood is the principal material.

Mr. VESTAL. Mr. Chairman, on page 10, line 25, the word "tolerance" should be "tolerances." I offer that amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 10, line 25, strike out the word "tolerance" and insert in lieu thereof the word "tolerances."

The amendment was agreed to.

Mr. VESTAL. I offer another amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 11, line 18, strike out the words "The provisions of this act shall apply only to hampers and baskets made of wood, or of which wood is the principal material," and insert in lieu thereof the following:

"The provisions in sections 1, 2, and 3 of this act, covering specifications and dimensions, shall apply only to hampers and baskets made of wood or of which wood is the principal material; but hampers and baskets which are not made of wood or of which wood is not the principal material shall not depart from the respective capacities therein prescribed."

Mr. VESTAL. Mr. Chairman, I do not care to take more than a minute in discussing this amendment. The bill as drawn provides that the act shall apply only to hampers and baskets made of wood or of which wood is the principal material. There might be such a thing as baskets made of other materials being placed upon the market, and my amendment provides that those other baskets shall not depart from the capacity content as set forth in sections 1, 2, and 3 of the act.

Mr. QUIN. Mr. Chairman, I think the gentleman from Indiana [Mr. VESTAL] is right in this amendment. While I am against this hamper provision, cutting out the seven-eighths hamper, I am convinced that the specifications should not prohibit the manufacture of hampers or baskets of other material, just so that the contents are not interfered with.

Under this bill without the amendment offered by the distinguished chairman [Mr. VESTAL] they could not use any other material except that specified herein; but it is absolutely necessary, in fairness to all portions of the country, that the amendment offered by the gentleman from Indiana [Mr. VESTAL] be adopted.

This measure as it comes before this House is a deceptive one. This Congress has passed all of the legislation that is necessary in the container act to insure fair dealing. Here you come up with a bill that does not affect the container which goes to the consumer. The vegetables from the farms in the United States are placed in hampers, baskets, or crates and sent by carload or train lots to the centers of the country for distribution.

Mr. HOCH. Will the gentleman yield?

Mr. QUIN. I have not time. The producer does not sell to the wholesaler by the crate. He sells in carload lots. But when the good housewife goes to buy her vegetables for to-day she does not ask for a bushel hamperful, she does not ask for a seven-eighths hamper, but she asks for so many tomatoes; she asks for 5 cents' or 10 cents' worth of beans.

Who in the world ever heard of a family going up and buying a bushel hamper of tomatoes for one meal or one day. Why, that is for the hotel or big boarding house. So you can see the opportunity for deception that is endeavored to be practiced in this humbuggery that they are putting out here now. You are injuring and hampering the farmers and endeavoring to fool the ultimate consumer. I just call the attention of the majority to some of the effects of the legislation they have enacted that is now reacting against them. Did you hear that howl out yonder in Iowa day before yesterday? There was a man running for the United States Senate in a Republican primary on a Democratic platform. [Laughter.] He stood up on the platforms throughout the State of Iowa, which is 75 per cent Republican, and denounced the Esch-Cummins Act, one of the chief authors of which is a Member of the United States Senate from that very State. He spoke for the American people—the farmers and the plain men and women. He told them that the Republican organization in Congress had taken the excess-profits tax off from the rich and powerful. He told them they were trying to put a sales tax on the poor. He told them the plain people must pay the taxes which this Republican organization and administration had taken off of the big corporations and trusts and combines.

Mr. VESTAL. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I will give you all the time you want before I get through. As a result he told them that the legislation of this Republican administration was a humbug and a fraud upon the American laboring man and farmer. He demonstrated to the fair Republicans in the State of Iowa that the Republican organization in Congress and the administration were passing legislation for the benefit of the rich and powerful.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. LAYTON. I object unless the gentleman will confine himself to the amendment.

Mr. HOCH. I object.

The CHAIRMAN. The gentleman from Kansas objects.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, there can be no doubt that legislation which makes honest containers and compels people to mark and sell that which they say they are going to sell is right. The purchaser is entitled to get what he asks and pays for. He should not be cheated and deceived. But I am wondering whether or not the committee had given this matter full consideration in two important particulars, provisions of which I want to call attention to.

On page 13 it provides:

Any individual, partnership, association, or corporation that willfully violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100, or imprisonment not exceeding 60 days, or both.

Now, I believe this is the first time that any legislature ever attempted to pass a law imprisoning a partnership, association, or corporation, and I wonder why the committee in this bill, where we are trying to get honest containers, has sought to inject this class of legislation that everybody knows can not be enforced, never has been enforced, and never will be enforced, and put an entire association, partnership, or corporation in prison. There is a way to punish the partnership, association, or corporation by fine. The individuals, like others, can be individually prosecuted and punished, but not the partnership, association, or corporation by imprisonment. I think it must have been a mistake on the part of the typewriter or the printer or some one who was engaged in the preparation of the bill. I think the chairman will concede that.

Mr. MORGAN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MORGAN. I will state to the gentleman that the purpose of that language was to reach the partnership or corporation, and the imprisonment applies to the individual.

Mr. RAKER. The gentleman does not contend that you can arrest or imprison a partnership or association, does he?

Mr. MORGAN. The members of a partnership.

Mr. RAKER. The gentleman does not claim that you can imprison a corporation?

Mr. MORGAN. The fine relates to the association or corporation, and imprisonment relates to the individual.

Mr. RAKER. Let us not make ourselves ridiculous before the legal profession of the world by saying that you can arrest and imprison a partnership, an association, or a corporation. The statement of it is enough. Now, I am going on to something else. On page 16, beginning on line 3, is this provision. It is one that allows the department to violate every law of personal right and of property in individuals, partnership, association, or corporation. The provision reads as follows:

For said purposes the authorized officers and agents of the Department of Agriculture may visit factories, stock rooms, and other places of business where such hampers, baskets, or parts thereof are manufactured or held for sale or shipment, or offered for sale, may enter cars, vessels, other vehicles, and places under the control of carriers engaged in the transportation of such hampers, baskets, or parts thereof.

Here is a blanket law permitting the Department of Agriculture, without a search warrant, without any offense having been alleged to have been committed, to enter any building, any room, any house, any factory, any vessel, or any car in interstate commerce or otherwise and anywhere.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask for four minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. The general purpose of the legislation to be sought here compelling the seller to give the buyer what he pays for is all right, but clearly this provision does not intend to lay aside the protection of the individual in all places. There is not a single, solitary door of a room, private or otherwise, that an agent of this department could not walk up to or batter down, if necessary, and go in without any warrant of law.

Mr. WARD of North Carolina. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. WARD of North Carolina. The gentleman is right about it. No bill with such a provision ought to pass any legislative body. But I rise to suggest with reference to the indictment of a corporation.

Mr. RAKER. I was alluding to the imprisonment of a corporation.

Mr. WARD of North Carolina. My judgment is that it is not unusual to pass a provision of that sort with reference to corporations. Of course, you can not imprison a corporation or association, but you can indict a corporation, and the fact that the imprisonment is in the same sentence does not impair it, because the imprisonment relates to the individual and not to the corporation.

Mr. RAKER. You can indict an association or a corporation, I do not question that, but of course it is impossible to imprison a partnership, association, or a corporation.

Mr. WARD of North Carolina. Certainly it is.

Mr. RAKER. And I am calling the attention of the committee to it, so that it may be amended. Now, in reference to the last provision in regard to search and seizure, it does not require an authorization, it just gives them a blanket order to go anywhere in the United States into any building, car, room, any place where they think—they do not have to say they believe—but where they think they can find these unlawful containers. Certainly you do not want to pass a law that gives any department authority to send its agents, for instance, to a train at Pittsburgh going west that has a lot of baskets on board, where they can stop the train, say they want to go in, order them to open the doors, and allow them to inspect them. You do not require any search warrant or anything else. Now, it is such legislation as that that makes the people dissatisfied. You start in with a bill designed to give proper legislation, to give certain relief from unlawful practices, and then in the same bill you sweep away every human right a man has to protect his place of business or the sanctity of his home.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. KING. Was it not that same condition and activity on the part of the Government along those lines of which the gentleman has spoken that succeeded in ousting the last Democratic administration?

Mr. RAKER. Oh, to answer my friend, I would say that that was the complaint, but it was an unjustifiable complaint. The search and seizure exercised was against those who were trying to destroy the Government, which the gentleman believes in maintaining. We had to have drastic laws, and we had to enforce them, where a man was not patriotic and was attempting to break down our Government and the enforcement of our laws. The cases are comparable. But even in war times you had to have a search warrant. Now, in peace times, you want to violate all right of the person by search and seizure, without proof, order, or warrant. It will not do. This must go out of this bill.

The CHAIRMAN. The time of the gentleman from California has again expired. The question is on the amendment offered by the gentleman from Indiana [Mr. VESTAL].

The amendment was agreed to.

Mr. DUNBAR. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DUNBAR: Page 11, line 10, after the word "hampers," strike out the comma and insert "and." After the word "baskets," strike out the comma. On line 11, strike out "and splint baskets."

Mr. DUNBAR. Mr. Chairman and gentlemen of the committee, I have here before me a sample of a splint basket—two of them. I represent the manufacturer who makes these baskets and sells them. He makes something like 60 different types of baskets, hampers, and containers. He does not object to any regulation which may specify the cubic contents of any container or hamper which he manufactures. He does not object to marking the cubic contents of any basket or hamper which he manufactures and which it is possible for him to mark. These baskets I have here are made out of sycamore wood, out of beech wood, or any cheap sort of wood that can be obtained. The splints are very thin. You can almost tear them with your fingers like a piece of paper. When these baskets are manufactured they are so wet that it would be impossible to mark them with any legible letters, and because of their being wet, the sap and the moisture being in the wood, the ink of any mark that you would put upon them would simply run down the side and make the marking illegible. These baskets are so cheap that the manufacturer sells them, one for the sum of 52 cents a dozen and delivers them 350 miles, and the other at 60 cents a dozen delivered 350 miles from the point of manufacture.

When these baskets are first manufactured they are not in condition for shipment. They are stacked up two or three dozen high and put into a drying room, and then by the use of steam the baskets are dried. After they have gone through the drying process they are shipped to the purchaser. What would be necessary in order to mark these baskets? First, you would have to put them into your drying room, and then after they were dried out, take them out of that room, take them apart, and stamp them with whatever stamp was required.

These baskets are made in sizes from 4 quarts up to one-half bushel. Some time ago we passed legislation specifying the dimensions of climax baskets, but, as I understand it, we never required such a basket to be marked for the simple reason that many of them are made out of wood of this sort. I believe that this bill provides that all climax baskets of 4 quarts even now shall be exempted from marking.

This manufacturer makes 100,000 dozen of these baskets a year, and I submit that to put him to the additional labor, trouble, and expense of marking the baskets is altogether unreasonable.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. DUNBAR. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DUNBAR. He does not object to complying with any requirements which we make in respect to the size of the basket, nor does he ask to be exempt from stamping any of the other containers that he manufactures, but to stamp these baskets is a physical impossibility when the basket is made.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. DUNBAR. Yes.

Mr. LONDON. To what extent do the standards set up by the bill conform to the standards in actual use? I mean in general use.

Mr. DUNBAR. I do not know.

Mr. LONDON. Do the standards set up by the bill differ substantially from the standards now in existence?

Mr. VESTAL. No. They use the same standards that we put in the bill, and we are exempting all of the standards except those mentioned in the bill.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. VESTAL. Mr. Chairman, I move to strike out the last word. There are 75 different sizes of hampers used in the United States to-day. This bill proposes to establish 6 instead of 75, to cut out all of the rest of them so that the manufacturer will manufacture only 6 different sizes.

Mr. LONDON. The bill makes it unlawful——

Mr. VESTAL. To manufacture any other except those six, and all of the manufacturers desire it, because they can do away with all of their forms, and they can manufacture much more cheaply. We have in some States this sort of condition. We have the 32-quart basket, which is the bushel, and they manufacture the 32-quart baskets. Somebody conceived the idea that he could make his basket in a certain form to look like the 32-quart and have it contain only 31 quarts. Therefore, they started in on the 31 quarts. Then some other fellow thought that he could beat that a little bit, and he made one that held only 30 quarts, which looked just like the 32-quart basket. They even got down as low as 27½ quarts, and they are selling them in the country for 32-quart baskets. We propose to cut out the 30, the 31, the 29, the 28, and 27, and make the 32-quart container a standard basket, and it will reduce the cost of manufacture and ought to reduce the cost to the consumer.

Mr. LONDON. There is another question I want to ask. To what extent are these baskets employed in interstate commerce?

Mr. VESTAL. Oh, very largely.

Mr. LONDON. The gentleman means that goods are transshipped in those baskets?

Mr. VESTAL. Oh, yes; vegetables and fruits.

As to the amendment offered by my colleague from Indiana, I can state, of course, that there might be in this particular case that he mentions some little hardship upon the manufacturer, but I do not believe it is right to exempt just the splint basket when all manufacturers are desirous, and his own manufacturer is desirous, of stamping every other basket except the splint basket.

Mr. LONDON. Will the gentleman permit——

Mr. VESTAL. It is true it is only an added precaution. Now, I can readily see that if a manufacturer is prohibited

from manufacturing any sort of basket other than a standard basket, it probably does not need to be marked. It is only an added protection to the purchaser and the ultimate consumer. Of course, there is this protection. There is the protection to the consumer from having the basket marked by the manufacturer. If somebody in the retail trade, for instance, would put upon the market a basket that was a short basket, all they would have to do would be to trace that basket to the manufacturer, and the consumer is not held responsible for having put that basket out on the market. We try to help the consumer all the way along the line. We put the burden on the manufacturer, and the manufacturer is willing to bear it. There is not a manufacturer in the United States that I know of that is opposed to this bill except a few manufacturers down in some of the Southern States who would like to have a seven-eighths bushel basket made a standard. That is the only exception we have found in regard to the manufacturers. If I had time—and I do not want to take up time—I had a letter the other day from a manufacturer out in the Middle West, and he wrote me asking about this bill and when I thought the bill would come up. He said that he had an order for a lot of 14-quart baskets, and he said he did not want to manufacture those baskets if they are not standard. I wrote to him that I hoped the bill would be passed in a short time. Before he received my letter he wrote me again, and he said, "Mr. VESTAL, it does not make any difference; this same firm found a manufacturer who would manufacture a 13½-quart basket that looks like a 14-quart basket, and therefore we have lost the business." But if you have standard baskets, hampers, and so forth, the manufacturer will increase the scope of his territory for sales all the while. He can sell in any State in the Union, and it seems to me—I may be wrong about it—but it seems to me that no one could object to a standard basket that would give to the consumer what he purchases, especially when it will serve to reduce the cost to the consumer.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-six gentlemen are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Anderson	Fairfield	Kreider	Rouse
Andrew, Mass.	Faust	Kunz	Rucker
Ansorge	Fenn	Lampert	Ryan
Arentz	Fess	Langley	Sabath
Bacharach	Fields	Larson, Minn.	Sanders, Ind.
Bankhead	Fish	Lehlbach	Sanders, N. Y.
Beck	Fisher	Lineberger	Schall
Bell	Fitzgerald	Linthicum	Scott, Mich.
Benham	Focht	Little	Sears
Black	Fordney	Logan	Shaw, Ill.
Bland, Ind.	Foster	Longworth	Shreve
Blanton	Frear	Lyon	Sinclair
Boies	Freeman	McClintic	Slemp
Brennan	Fuller	McFadden	Smith, Mich.
Briggs	Funk	McKenzie	Smithwick
Britten	Gahn	McLaughlin, Pa.	Snyder
Brooks, Pa.	Gallivan	McPherson	Steagall
Burdick	Glynn	McSwain	Stedman
Burke	Goodykoontz	Madden	Stevenson
Burtness	Gould	Maloney	Stiness
Burton	Graham, Ill.	Mann	Stoll
Butler	Griffin	Mansfield	Strong, Pa.
Byrns, Tenn.	Hardy, Tex.	Martin	Sullivan
Cantrill	Haugen	Merritt	Swank
Clague	Henry	Michaelson	Sweet
Clark, Fla.	Hill	Miller	Taylor, Ark.
Classon	Himes	Mills	Taylor, Colo.
Cockran	Hogan	Moore, Ill.	Taylor, Tenn.
Codd	Hooker	Morin	Temple
Cole, Iowa	Hudspeth	Mudd	Ten Eyck
Connell	Humphreys	Nelson, J. M.	Tillman
Connolly, Pa.	Hutchinson	Nolan	Tilson
Cooper, Ohio	Ireland	O'Brien	Treadway
Cooper, Wis.	Jacoway	Padgett	Tyson
Copley	James	Paige	Upshaw
Coughlin	Jefferis, Nebr.	Park, Ga.	Vare
Crowther	Johnson, Wash.	Parker, N. J.	Vinson
Darrow	Jones, Pa.	Parks, Ark.	Voigt
Davis, Minn.	Kahn	Patterson, N. J.	Volk
Deal	Kelley, Mich.	Perkins	Ward, N. Y.
Dempsey	Kennedy	Perlman	Wason
Denison	Kiess	Porter	Weaver
Dickinson	Kincheloe	Pringey	Winslow
Doughton	Kindred	Rainey, Ala.	Wise
Drane	Kinkaid	Ransley	Wood, Ind.
Driver	Kirkpatrick	Rayburn	Woods, Va.
Dunn	Kitchin	Reber	Woodyard
Echols	Kleczka	Riddick	Wurzbach
Edmonds	Kline, N. Y.	Riordan	Yates
Evans	Knight	Robsion	Zihlman
Fairchild	Kopp	Rosenbloom	

The committee rose; and Mr. WALSH having resumed the chair as Speaker pro tempore, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7102, finding itself without a quorum, under the rule he caused the roll to be called. Whereupon 228 Members responded to their names, and he presented the list of absentees for entry in the Journal.

The SPEAKER pro tempore. The committee will resume its sitting.

The committee resumed its sitting.

Mr. WINGO. Mr. Chairman, the very able and genial gentleman from Indiana [Mr. DUNBAR] has called attention to just one of the incongruities of this bill. Of course, any intelligent man who knows anything about the manufacture of the baskets that he displayed knows that it is practically a physical impossibility to comply with the requirement in the basket he exhibited, and if you were to comply with that requirement it would add from 25 to 50 per cent to the cost of the basket. You must remember, Mr. Chairman, what the object of the bill is and under what power Congress seeks to enact this kind of law. You must remember that under the Constitution the Congress has the power to fix the standards of weights and measures, and it is under that constitutional authority that the pretense is made of enacting this law. The Constitution nowhere gives the Congress the power to fix the container or the shape or quality——

The CHAIRMAN. The committee will be in order.

Mr. WINGO. Those gentlemen have already gotten their orders from certain organizations and they are going to swallow this, Constitution or no Constitution, and, therefore, I do not care whether they listen or not. Mr. Chairman, I was saying that nowhere in the Constitution is the Congress given the power to fix the composition of the container, the shape of the container, or its color or its texture. The difficulty in discussing a bill of this kind is that those who have little respect for our system of government, or, to be more charitable, are lacking in information as to the character of our dual system of government, do not stop and think about these things. They just see the evil, and they see that local courts and local communities have failed to remedy the evil, so they rush to Washington and to the Congress.

Now, of course, gentlemen, I agree that the frauds complained of ought to be eradicated. And I have in my own way done all I could to bring about prosecutions for such deceptive practices as are referred to by the supporters of this bill. I challenge any lawyer within the sound of my voice to deny that he can prosecute in the State courts of any State in this Union every fraud that you seek to prevent and every evil you seek to eradicate by this bill. All you need is a grand jury with courage, and a prosecuting attorney, or whatever you call your local prosecuting officer, with the courage and intelligence, and a petit jury of backbone, to correct it. That is all you need.

Now, gentlemen, that is not the real object of your bill. I am not deceived about it. You can not drag any herring across my path and say that there are manufacturers opposing it. It is a manufacturers' bill. If I consulted the question of political expediency, I would be for it. The biggest fruit man in the world lives in my district, and he is my personal friend. He does not know any more about the Constitution than I do about growing peaches, and I do not know anything about that. He wants to eradicate this evil, and does not know that he could do it in the State courts if he wished to do so. But, gentlemen, I am trying—I do not know whether I will have the courage to keep it up or not—I am trying to get back to where I wish I had started, and that is to have some respect for the division of powers in our Government, and I can do it in this bill without any charge of selfishness. But, gentlemen, I know the uselessness of crying out against something like this. I beg you lawyers, you men who know something about the philosophy of government, to read the provisions of this bill. I believe if there is any man in this House that will conscientiously read it and forget the pressure that has been brought to bear for it, he can not vote for it unless certain provisions are eliminated. The gentleman practically admitted a while ago that 75 types of baskets will be reduced to 6 by this bill. Does the Constitution give me the right, a citizen of Arkansas, by my vote, to say to a Pennsylvania manufacturer that he shall cease the manufacture of a bona fide, honest article of commerce that is neither deceptive in its construction or in the quantity of its contents? That is what you do by this bill. And I am not going to do it, gentlemen. Oh, I know there are few Members here, and when the roll is called

more will come in and, following the committee, vote for the bill. That is the reason for most of the evil legislation we have here in Congress. This House is conscientious. It is a wonder that it, considering the volume of its business, does not make more errors than it does. But are you going to place an increasing burden on the taxpayer by this bill?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes more. Is there objection. [After a pause.] The Chair hears none.

Mr. WINGO. Has the American Congress come to that point where it says that it is willing to give some little agent appointed by the Federal Government the right to enter a vehicle or to enter a warehouse or a freight shed without charging that there are fraudulent baskets in there? He just wants to test it and earn his salary. Possibly nobody has complained, but he will have a right to hold up a shipment when the grower is waiting for baskets in which to ship his fruit or vegetables. You do not have to do it if you pass the other part of the bill. At least save some semblance of respect for that provision of the Constitution which has to do with search and seizure——

Mr. REED of West Virginia. It is claimed that the provision as to search for baskets is even more drastic than our friend VOLSTEAD's provision as to search for booze.

Mr. WINGO. There is no question about it. It comes in here without any semblance of a claim of basing it on a fraudulent action or any violation of the law. Is it just an ordinary test to see if they comply with the law? No. But to see if they comply with some regulation made hereafter by a bureau down here. You do not have to do that in order to carry out the main purposes of your bill. Do not do that.

I wish it would be possible to standardize everything in this country. I wish it would be possible to standardize shoes. God forbid a government that would say you would have to wear one of six types of shoes. Somebody might say you should standardize ladies' hats. God forbid a government that would fly into such Bolshevism where by law you would restrict a woman in the choice of hats. [Applause.] That would be parallel to what you do in this bill. You make it unlawful for a man to manufacture a basket and stamp it with its honest contents. And if a man happens to buy it, unless he gets a written certificate from the manufacturer, he can be prosecuted.

Mr. CLARKE of New York. Do you not think a part of this is to insure getting a full quart instead of a full bushel basket? [Laughter.]

Mr. WINGO. I do not think it is. As I started to say, you not only pile up the expense of additional cost that the gentleman from Indiana called attention to but you are creating other bolshevistic inspectors, and these inspectors have to break into a place and test and make a showing of earning their salary, have they not? You are going to the limit in this tendency sooner or later, and the American people will wake up after a while to what you are doing.

The people will find out after a while that in the philosophy of English jurisprudence, in the philosophy of the common law, all they need is an honest court, and a courageous grand jury, and a courageous local State judge, and a courageous local prosecuting officer, and a courageous, intelligent petit jury to remedy most of these evils they complain of. What this country needs is not more law. It needs a more honest, intelligent, sincere enforcement of the laws you already have.

Mr. MOORE of Virginia. Having a courageous court and a courageous jury, will not the gentleman explain how you are going to put in jail or the penitentiary a corporation?

Mr. WINGO. Address that to these gentlemen. The provision in this bill as to imprisoning an association or a partnership to a lawyer is not any more ridiculous than other provisions I called attention to.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUSTED. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, this is not the most important bill that has been before the Congress, but it is a bill which I think should be passed. I believe it is in the interest of honesty, of efficiency, and of economy. At one time I happened to be a member of the committee which has reported this bill for the consideration of the Committee of the Whole, and I heard a good deal of the argument at that time. It was quite convincing.

Now, there are baskets which are designed to defraud and do defraud, and there are other baskets which are not designed to defraud but which do deceive the public. And the requirements as to the content of baskets, whether they are bushel or half-bushel baskets or peck baskets or quart baskets, are not the same in the different States throughout the country.

In some States the contents are larger than in others, so that if you are buying a bushel basket of a certain product the actual quantity that you get depends upon the State you buy it from. I remember an illustration was given of a man buying a certain kind of seed grain, and the price quoted in one State was very much less than that quoted in another State, and the seed grain was supposed to be of uniform quality. But when the man got his grain he found that he paid the most in the State which charged the least, because of the difference in the quantity of the grain in the container.

It is also in the interest of efficiency, because you are going to be able to get baskets more quickly delivered of any definite size if you pass this bill than you can at the present time. Under present conditions the manufacturers of baskets are compelled to carry a lot of odd sizes because there are a great many different sizes in common use, and in order to meet the demands of his customers he is compelled to carry at great expense these odd sizes in order to make prompt delivery of orders.

Mr. LONDON. Mr. Chairman, will the gentleman permit a question?

Mr. HUSTED. Yes.

Mr. LONDON. How many States have similar legislation?

Mr. HUSTED. I do not know how many States have. There are States that have. How many I do not know.

There is another matter: It is really in the interest of economy to pass this legislation, because if the manufacturer has to carry a lot of odd sizes it is going to cost him more to make baskets than if you reduce the number to a few common standards. It is not going to cost him as much. He will not have to carry as much raw material in stock and he can make his goods at less cost, with less overhead and less labor, and with less machinery than he is compelled to use at the present time.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. JONES of Texas. I notice that the original basket act prohibits the manufacture and shipment of these baskets in interstate commerce. Does not the gentleman think that is a better way to get at a proposition of this kind rather than by prohibiting the sale by the individual of every basket of fruit that is sold around in the local communities? This original basket act prohibits the manufacture and shipment of baskets that do not conform to the prescribed measures.

Mr. HUSTED. I think we can within our powers here pass legislation to protect the public from baskets that deceive, whether they are designed to deceive or not. There are many of these baskets that are not designed to deceive, that are innocently used, which do deceive the purchaser.

Mr. JONES of Texas. Would not the better way to get at that be to prohibit the shipment and manufacture of certain sizes of containers rather than the product? What would prevent the fruit grower from using crates and little boxes of different sizes?

Mr. HUSTED. The necessities of the trade control that. The producer has got to use what the public demand, or he can not sell his fruit. No manufacturer can arbitrarily change the customs of the people.

Mr. JONES of Texas. A great deal of fruit is sold in crates.

Mr. HUSTED. That is so; but even when the fruit is sold in crates it is sold in baskets in the crates.

Mr. DUNBAR. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. DUNBAR. Is the gentleman aware that under a provision of this act none of the Climax baskets under a quart need be stamped, and there is no protection offered to the poor man?

Mr. MORGAN. The bill specifically provides the sizes of containers under one section.

Mr. HUSTED. I am not a member of the committee, and have not heard all of the discussion, and I have not read the hearings. It is possible that this bill shall be amended in some respects. But I am contending for the general principle. I believe that the general principle is absolutely right, and I believe that some of the most important work that is being done in this country to-day for the assistance of business is the standardization work which is being carried on now under the direction of the Bureau of Standards. Of course, we do not want to standardize shoes, and we do not want to standardize women's hats, but there are certain limits within which standardization work can be done, and it is in the interest of

the people that it should be done. It means economy, it means efficiency, it means less cost, and it is in the interest in this case of common honesty. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VESTAL. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. DUNBAR].

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. DUNBAR. A division, Mr. Chairman.

The CHAIRMAN. A division is asked for.

Mr. MORGAN. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Amendment offered by Mr. DUNBAR: Page 11, line 10, after the word "hampers," strike out the comma and insert "and"; after the word "basket" strike out the comma; on line 11 strike out "and splint baskets."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. DUNBAR].

The committee divided; and there were—ayes 6, noes 37.

So the amendment was rejected.

Mr. QUIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and nine gentlemen are present, a quorum.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out on page 11, beginning in line 10, all after the word "therefor," down to and including the end of the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Page 11, line 10, after the word "therefor," strike out the remainder of the section.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, is debate closed on this section?

The CHAIRMAN. Debate is closed on this section. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Tennessee asks for a division.

The committte divided; and there were—ayes 24, noes 40.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. VESTAL and Mr. GARRETT of Tennessee.

The committee again divided, and the tellers reported—ayes 25, noes 53.

Accordingly the amendment was rejected.

Mr. QUIN. I make the point of order that there is no quorum present.

Mr. BEGG. I make the point of order that the point of no quorum made by the gentleman from Mississippi is dilatory, and I refer the Chair to the ruling made by Mr. Speaker GILLETT on July 24, 1919.

Mr. QUIN. The vote just taken discloses that there is no quorum present.

Mr. BEGG. On July 24, 1919, Speaker GILLETT held a motion made by the gentleman from Michigan [Mr. CRAMTON] to be purely a dilatory motion on the ground that the Chair was satisfied that the purpose of the motion was solely to delay proceedings.

Mr. WINGO. Mr. Chairman, I hope the Chair will not permit himself to sustain the point of order. Since the Chair counted there have been some proceedings, and at the time the Chair counted there were only nine more than a quorum. There has been a division, there have been tellers upon an important amendment, and certainly the Chair ought not to hold the point dilatory; but the Chair, I presume, will count for himself, which is his prerogative, if he is not willing to take the count of the tellers.

Mr. BEGG. Mr. Chairman, I will say in reply to the gentleman from Arkansas that on this same precedent which I have cited to the Chair the same condition prevailed—that is, some business had been transacted in the way of counting a quorum and putting a motion.

Mr. WINGO. I think if the gentleman will read the citation——

Mr. BEGG. If the gentleman from Arkansas will just listen, the Chair at that time found that the point was dilatory; that it was evident to the Chair, as well as to the House, that the purpose of the motion was only to delay proceedings. There is no constitutional right involved in the gentleman's point of no quorum in the Committee of the Whole. The only purpose that can be accomplished is to delay the proceedings, and I submit to the Chair that the precedents are numerous when the Chair has held that motions similar to this are dilatory.

Mr. WINGO. Will the gentleman yield for a question now?

Mr. BEGG. Yes.

Mr. WINGO. Will the gentleman tell the Chair what the facts were upon which Speaker GILLETT ruled? Had there been a division in the committee and also a teller count disclosing less than a quorum?

Mr. BEGG. If the Chair wants to hear the facts, I will refer the Chair to the precedent.

The CHAIRMAN. If the gentlemen are willing, the Chair will ascertain whether or not a quorum is present, because in the opinion of the Chair there probably is a quorum present. [Laughter.]

Mr. DUPRÉ. The Chair seems to be anticipating his count. [Laughter.]

The CHAIRMAN. There was no quorum voting on the count by tellers, but the Chair observed that there were about 20 gentlemen who did not pass between the tellers. So the Chair is of the opinion that a quorum is present. The Chair will count.

Mr. BEGG. If the Chair does not rule on this, that point can be made all the afternoon.

Mr. WINGO. I make the point of order that the point made by the gentleman from Ohio is dilatory.

The CHAIRMAN. The Chair will ascertain whether or not a quorum is present. [After counting.] One hundred and eight Members present, a quorum.

The Clerk read as follows:

SEC. 5. That in order to provide for the more economical use of space in packing or transportation, or for the greater conservation of material or labor in manufacture or handling, or of the contents in course of shipment of hampers, round stave baskets, and splint baskets for fruits or vegetables, or parts thereof, the Secretary of Agriculture, whenever he finds it necessary, may, in his regulations, prescribe specifications and tolerances with respect to the strength of the material used, or the dimensions thereof, for such hampers, round stave baskets, splint baskets, or parts thereof, in addition to, differing from, or superseding those set forth in sections 1, 2, and 3 of this act, but not departing from the respective capacities therein prescribed. Such specifications and tolerances shall not be made effective until a period of at least six months shall have elapsed after public notice shall have been given, following an opportunity afforded the interested public for a hearing.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I think possibly an opportunity will come at a later stage of the proceedings to have a vote upon the amendment which I offered a few moments ago in good faith, to strike out a certain part of the section which has just been passed.

I am not resisting this bill, but I do not see how I could vote for the bill with the provision in it which I attempted to strike out; that is, the provision requiring these boxes and baskets that come within the provisions of this act to be stamped. That will impose a hardship, not upon the manufacturer, because, of course, he will have to pass the cost along to the consumer of the baskets and ultimately to the consumer of the fruit that is in the basket. It will impose a hardship upon the purchaser of the fruit. There is no way now known by which in the manufacture of these baskets a statement of the contents can be automatically stamped upon them. It will have to be done by hand with a rubber stamp or some other process. In other words, every box or basket that is made will have to be hand touched, and it will probably add half or a quarter of a cent to the cost of every basket that is manufactured, which, of course, has got to be passed along to the ultimate consumer.

Mr. VESTAL. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Indiana.

Mr. VESTAL. I may be mistaken about it, but I understand that in practice every basket-manufacturing concern in the United States puts a stamp on the basket by machinery at the

time the basket is made, and that it will cost nothing extra to stamp these baskets at the time they are made. I may be wrong about it, but that is the information I have.

Mr. GARRETT of Tennessee. I will say to the gentleman that I think he is wrong about it. I hold in my hand a letter from one of the largest manufacturers of this class of articles with whom I am familiar. It is a letter from the firm of B. C. Jarrell & Co., of Humboldt, Tenn., which is one of the greatest fruit and vegetable shipping points in the United States or in the world. This factory is located there. This letter says:

The marking or stamping of the size of the package on each package can not be done automatically, but will have to be done by hand, at a very considerable added cost of the package, which expense, of course, will have to be borne, if the provision is retained in the bill, by the consumers of the packages.

That is the provision I undertook to have stricken out. The letter continues:

If it becomes unlawful for any other sizes of packages described other than those covered by the specifications to be manufactured, we see no reason why the size of the container should be marked on it. We believe there should be a provision made in the bill penalizing any manufacturer who after the law becomes effective shall make containers other than the sizes specified in the bill, which are covered by the provisions of the bill, and if that is done no manufacturer in the country would be guilty of making off sizes, regardless of the pressure that might be brought to bear by consumers who would desire to use off-sized or snide packages.

Then he goes on to say that if he has to stamp them it will add to the cost of the containers. Your bill makes it unlawful to manufacture a package of a different size, and then you have a provision here that requires them to stamp the container.

Mr. VESTAL. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. VESTAL. I think the gentleman was not in the Chamber when the question was up for discussion. I made the statement then that it was simply an added protection. I am not so much concerned about this particular provision in the bill, but having the information that I had from a number of manufacturers that it would cost no more, I thought it would be an added protection to the man who handled the packages, the retailer, to be able to trace the package or basket back to the manufacturer if it contained less than the standard requirement.

Mr. QUIN. Mr. Chairman, I move to strike out the last two words. This question about stamping the baskets which the farmer is using in shipping in carload lots is not at all interesting to the farmers of this country. I want to tell the Republican organization one thing that the farmers are interested in. For six long years they have been begging and knocking at the doors of Congress for you to turn the Muscle Shoals project in Alabama into a fertilizing factory, so that the farmers can get cheap fertilizers for their farms. For six long months the Military Affairs Committee of the House, of which I am a member, has been working away, sitting all day, and has finally brought out a report for you to consider, and now it is time for you to bring forward a rule in the House that the Congressmen, the Representatives of the people of the United States, vote on the question whether or not the proposition shall be turned over in the manner recommended by the minority of our Military Affairs Committee to this great wizard, Mr. Henry Ford, who is desirous of running this great enterprise whereby 500,000 people will be employed and the streams of the Tennessee River and others employed in transporting on its bosom from Alabama, Tennessee, and Georgia coal, iron, steel, lumber, and the fertilizing products of this great nitrate plant—which is standing idle awaiting for the dams which are to be completed—which will be taken into the Ohio and the Mississippi Rivers and the tributaries, down the Mississippi to the Gulf of Mexico, thus to the heart of the United States and to all the markets of the world. I call upon the Republican side, with 230 majority, to bring in a rule and let the Representatives say whether or not you will turn over the development of this great plant to Mr. Ford for the benefit of the American people. Let the farmers know if you will pass that bill, and let Henry Ford take from the air nitrogen and make fertilizer and get it to the farmers at a price of about one-half of what they have to pay now.

Mr. MONDELL. Mr. Chairman, a point of order. Knowing the great interest that the gentleman from Mississippi has in this bill, I must insist that he discuss the bill.

Mr. QUIN. Mr. Chairman, the Republican leader does not want the House to know what my committee, the Committee on Military Affairs, with 15 Republican members and 6 Democrats, have been engaged in since the 7th day of February. [Laughter.] We even went down to Alabama and inspected this great plant and visualized it personally. After all the study and hard work, after coming forward to this House with the report of 12 in favor and 9 against reporting the bill, and 10 of us for including the Gorgas steam plant and transmission line, and 11 against that provision that Ford demands, and I say he should have, he is unwilling that I should state the facts and urge the Republican Rules Committee to bring out a rule for the consideration of the most important measure that has been before Congress within the last 50 years. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks for five minutes more. Is there objection?

Mr. VESTAL. I object.

Mr. WINGO. Mr. Chairman, I offer the following amendment. I move to strike out on page 11, lines 21, 22, 23, 24, 25, and on line 1, page 12, down to and including the word "thereof," and in line 3 on page 12 strike out the words "specifications and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WINGO: Page 11, line 21, strike out all of lines 21, 22, 23, 24, 25, and on page 12, all of line 1 down to and including the word "thereof," and in line 3 on page 12 strike out the words "specifications and."

Mr. VESTAL. Mr. Chairman, I am willing to accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentelman from Indiana asks unanimous consent that all debate on the section and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. DUNBAR. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana in charge of the bill was very magnanimous when he admitted that there was virtue in the reasons I gave why the splint baskets which I exhibited should not be stamped. But in the interest of the general good he thought that the bill providing for stamping of all baskets should be insisted upon in order that the bill's principal virtues might be maintained. I want some information from the gentleman from Indiana in reference to what is contained in section 5. Now, you provide for tolerances. In manufacturing a splint basket the tolerance required is very large, more than the tolerance that might be required in other forms of baskets. As was stated by the gentleman from Texas a splint basket made out of sycamore wood will contract or expand with the amount of moisture contained in the splint so as to make a difference in the size of the basket of at least 10 per cent. How would any tolerance be provided for in a basket containing 4 quarts, when by its being wet or dry there would be a difference of 10 per cent in the cubic contents of that basket?

Mr. VESTAL. Oh, I do not think there would be any trouble at all in the Secretary of Agriculture, through the Bureau of Markets or whatever agency he has, providing tolerances that would be perfectly acceptable to the manufacturer of baskets. I do not know what that tolerance would be, but certainly there ought not to be any question about the tolerance.

Mr. DUNBAR. Then would it be the gentleman's idea that the Secretary of Agriculture would provide a tolerance for a basket made out of one substance and a basket made out of another?

Mr. VESTAL. Those things all have to be taken into consideration.

Mr. DUNBAR. And there would be, therefore, a larger tolerance for baskets made from splints than there would be for baskets made of staves?

Mr. VESTAL. Certainly.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ROGERS. Mr. Chairman, I move to amend in lines 8 and 9 by striking out the words "specifications and."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 12, lines 8 and 9, strike out the words "specifications and."

Mr. ROGERS. That is simply the corollary to the amendment of the gentleman from Arkansas.

Mr. VESTAL. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 127. Joint resolution to reerect the statue of Abraham Lincoln upon its original site.

FIXING STANDARD PRICES FOR FRUIT AND VEGETABLE BASKETS.

The committee resumed its session.

The Clerk read as follows:

SEC. 6. That it shall be unlawful to manufacture for sale or shipment, sell, offer for sale, or ship, or to import or cause to be imported into the continental United States hampers, round stave baskets, or splint baskets for fruits or vegetables, either filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets that do not comply with this act: *Provided*, That this act shall not apply to baskets or other containers having capacities less than 4 quarts which comply with the provisions of the act approved August 31, 1916, entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 U. S. Stat. L. 673), and the regulations thereunder. Any individual, partnership, association, or corporation that willfully violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100, or imprisonment not exceeding 60 days, or both: *Provided*, That no person shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, wholesaler, shipper, or other party residing within the United States from whom the hampers, round stave baskets, or splint baskets, as defined in this act, were purchased, to the effect that said hampers, round stave baskets, or splint baskets are correct within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of the hampers, round stave baskets, or splint baskets to such person, and in such case such party or parties making such sale shall be amenable to the prosecution, fines, and other penalties which would attach in due course under the provisions of this act to the person who made the purchase.

Mr. VESTAL. Mr. Chairman, I offer to amend, page 12, line 21, after the word "quarts," by inserting the word "or." That was left out by inadvertence.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 12, line 21, after the word "quarts," insert the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OSBORNE. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. On the Pacific coast, particularly in my own State of California, the measurements by which fruits and vegetables are dealt in are different from those treated in this bill. For instance, we have no dealings whatever in bushels or pecks or anything of that sort. Our sales are usually upon the pound basis, or we sell, say, citrus fruits, oranges, and so forth, in boxes containing a certain number of oranges to the square foot. Is there anything in the bill that would interfere with the way in which the business of the Pacific coast in these matters is done?

Mr. VESTAL. In other words, in selling by the pound, as the gentleman says they do in his State.

Mr. OSBORNE. Yes.

Mr. VESTAL. Absolutely not.

Mr. CLOUSE. Mr. Chairman, I move to strike out the last two words. Section 6, now under consideration, is manifestly unconstitutional. Doubtless other provisions of the act are likewise unconstitutional. Congress might have authority to prohibit the transportation of a basket or an article in interstate commerce, but the bill under consideration is not predicated upon the fact of whether or not the article is to be used in interstate commerce. It absolutely prohibits the manufacture of this basket anywhere in the United States and for any purpose. The power of Congress to fix weights and measures does not extend to that point. If some firm is engaged in the manufacture of baskets in New York State, in the apple section, or in Virginia, in the fruit section of that State, or in my own State, so long as its article or commodity is to be used within the confines of the State, Congress has no power, nor should it have any power, to regulate its sale. Otherwise you would absolutely destroy the State's right to control its internal affairs, too much of which has already been done.

I do not think, in the first place, that this bill is needed at all. I think the same thing could be accomplished by enacting a law providing that hereafter it shall be unlawful for any producer or dealer in commodities such as are contemplated by the passage of this bill, and I mean by this only to the extent that it is interstate commerce, to offer for sale or sell those products for a certain quantity when, as a matter of fact, they fall short of such quantity. If you do that you will have obtained the object of the bill, and left to the several States jurisdiction within their own borders.

I happen to know something about the manufacture of containers. In my own county there is a firm engaged exclusively in the manufacture of containers. The chief manufactured product of that concern is egg cases and fillers. They are perhaps the largest manufacturers of those articles in the country. They manufacture many containers of other character and type. They have their machinery installed, already set up, for the purpose of manufacturing these according to specifications which they now have. When this bill is passed, what is the result? They must replace the machinery now installed by other new and additional machinery at great expense, which, of course, would be passed on to the consuming public.

The unconstitutionality of the act in question is so patent as that it should not be necessary to comment thereon, and I do not further than to refer you to the case of DeWitt against the United States (9 Wallace), which has been cited approvingly in many cases since in which similar questions were involved.

Mr. RAKER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. RAKER: Page 13, line 2, beginning with the word "any," strike out the remainder of line 2, and all of lines 2, 3, 4, 5, and 6 down to and including the word "both."

Mr. RAKER. Mr. Chairman, I imagine the chairman of the committee is perfectly willing to have this matter stricken out.

Mr. VESTAL. Oh, certainly not. The gentleman will be taking out all of the penalty provisions of the bill. This very same language is employed in the pure food and drugs act.

Mr. RAKER. If you have been foolish once, you do not want to be foolish again. The gentleman realizes the fact that you can not imprison a corporation.

Mr. VESTAL. Oh, certainly, we understand that, and the judge trying the case would understand the provisions of the bill and what they mean. He would certainly construe the law as it should be construed and not construe it as being drawn for the purpose of endeavoring to put a corporation in jail.

Mr. RAKER. The gentleman admits that this last provision for imprisonment not exceeding 60 days does not apply to a partnership, an association, or a corporation.

Mr. VESTAL. Certainly I do.

Mr. QUIN. Mr. Chairman, I make the point of order that there is no quorum present. This is a very important section.

The CHAIRMAN. Does the gentleman make the point of no quorum?

Mr. RAKER. I hope the gentleman will not take me off my feet.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no quorum present.

Mr. WILLIAMSON. Mr. Chairman, I make the point of order that that motion is dilatory.

The CHAIRMAN. The Chair will have to overrule the point of order. The Chair will count. [After counting.] One hundred and one Members are present, a quorum.

Mr. RAKER. I had not quite completed what I started to say when the point of no quorum was made, and I would like to proceed for four additional minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for four minutes. Is there objection?

Mr. BEGG. Mr. Chairman, I object.

Mr. RAKER. My time is not exhausted, Mr. Chairman, I have a minute left.

The CHAIRMAN. One minute.

Mr. RAKER. I would like to ask the gentleman a question. For instance, in California we are shipping figs in boxes about 15 inches long and a foot wide, depending upon the size of the figs; and pears, plums, peaches in all kinds of containers. Does the gentleman say this would not affect that?

Mr. VESTAL. Absolutely not.

Mr. RAKER. When they ship in boxes?

Mr. VESTAL. Absolutely not.

Mr. RAKER. And in sacks, for instance, where we ship potatoes and such things?

Mr. VESTAL. Absolutely not. If they use the basket or a hamper they must use the standard, but it does not compel them to use the hamper or the basket, splint or round stave.

Mr. RAKER. The gentleman is quite certain of that, because we are very much interested.

Mr. VESTAL. Absolutely.

Mr. RAKER. And it means a great deal to us. So we may be able to tell our people that as long as they use the present methods and do not use the container—hamper or basket—they will not be hampered any?

Mr. VESTAL. The gentleman is correct.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 13, line 6, strike out all of line 6 and insert in lieu thereof "$500."

Mr. WILLIAMSON. Mr. Chairman, I recognize that the objection which has been raised to this particular provision by the gentleman from California [Mr. RAKER] and others is well taken, and in order to obviate that objection I have offered this amendment which simply makes it possible for the court to impose a fine up to and including $500. It strikes out the provision which seeks to impose imprisonment on partnerships and corporations, to which objection has been raised. It is clear that no such sentence could be enforced by the court in any event. My amendment raises the fine that may be imposed from $100 to $500, which will be sufficiently drastic to accomplish the purposes of the bill.

Mr. VESTAL. Mr. Chairman, we are willing to accept the amendment.

The question was taken; and the amendment was agreed to.

Mr. VESTAL. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

Mr. GARRETT of Tennessee. Does the gentleman propose to insist on that, as I desire to move to strike out the section and to speak for a minute or two?

Mr. VESTAL. Well, say in seven minutes, I will amend my motion.

Mr. JONES of Texas. I would like to have about two minutes of time.

The CHAIRMAN. The gentleman from Indiana moves that all debate upon this section and all amendments thereto close in seven minutes.

The question was taken, and the amendment was agreed to.

Mr. JONES of Texas. Mr. Chairman, I have a perfecting amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 2, after the word "any," strike out the word "individual" and insert in lieu thereof the word "dealer."

Mr. RAKER. Mr. Chairman, I offer an amendment, to strike out all of lines 7 to 21, inclusive.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Texas offered a perfecting amendment, and I suppose it will be voted on.

The CHAIRMAN. Yes; the question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, beginning on line 13, strike out all of section 6.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not see how the Congress possibly has the authority to prevent the manufacture of a container such as comes within the purview of this bill, and I would like to ask the gentleman from Indiana if there is any legal authority of any sort that he can quote that would sustain that position?

Mr. VESTAL. I have understood, I will say to the gentleman from Tennessee, that within the past 8 or 10 years the question of the constitutionality of measures of this kind has been thoroughly discussed in this body, and that at least other bills have been passed of the same character as this. I will be frank to say that I have no authority that I can give to the gentleman at all upon a question of this kind other than the Constitution itself. I have been given to understand that the question of the constitutionality of the matter has been thoroughly discussed in the House, under probably the standard container act and the standard barrel act. Those bills have never been questioned.

Mr. GARRETT of Tennessee. I do not recall whether those bills provided that they could not manufacture a barrel. I recall the bills went a good long way, but I do not think those bills provided it would be an offense to manufacture a container. It might provide, as the gentleman from Tennessee [Mr. CLOUSE] suggested, although I think it would be going a long way, that they could not be shipped in interstate commerce. When you undertake to say that the manufacturer of baskets, unless he makes them out of certain splints——

Mr. VESTAL. We do not say that.

Mr. GARRETT of Tennessee. I do not mean making them out of certain splints. That is incorrect. However, it may mean that, because here you provide in regard to importation either of filled or unfilled hampers or parts of such hampers. You could not bring in a splint, even, that was to go into the manufacture unless it was to go into the manufacture of a basket that is described in this bill. You could not import a piece of lumber from Canada that was to go into the manufacture of a basket unless it was to be a basket of the size defined in this bill, if this act is constitutional. I think the act is going a long way.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. QUIN. I think we ought to have a division.

The CHAIRMAN. The amendment is agreed to.

Mr. QUIN. I asked for a division.

The CHAIRMAN. Division is asked for.

The committee divided, and there were—ayes 10, noes 37.

So the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment: Strike out all of line 7, down to and including the word "purchase" in line 21.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 13, beginning at line 7, strike out the remainder of section 6.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for two minutes.

Mr. MORGAN. I object, Mr. Chairman.

Mr. RAKER. You ought to give an opportunity to discuss this.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. QUIN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of order there is no quorum present. The Chair will count. [After counting.] Seventy-eight gentlemen are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Copley	Griffin	McFadden
Andrew, Mass.	Coughlin	Hardy, Tex.	McKenzie
Ansorge	Crowther	Haugen	McLaughlin, Nebr.
Arentz	Darrow	Hawes	McPherson
Bankhead	Davis, Minn.	Henry	McSwain
Barkley	Deal	Hill	Maloney
Beck	Dempsey	Hogan	Mann
Bell	Denison	Hooker	Mansfield
Benham	Dickinson	Hudspeth	Martin
Black	Doughton	Hukriede	Merritt
Blakeney	Drane	Hutchinson	Michaelson
Bland, Ind.	Drewry	Ireland	Miller
Blanton	Driver	Jefferis, Nebr.	Mills
Boies	Dunn	Johnson, S. Dak.	Montague
Brand	Echols	Johnson, Wash.	Montoya
Brennan	Edmonds	Jones, Pa.	Moore, Ill.
Briggs	Evans	Kahn	Morin
Britten	Fairchild	Kelley, Mich.	Mott
Brooks, Pa.	Faust	Kennedy	Mudd
Brown, Tenn.	Fenn	Kindred	Nelson, J. M.
Browne, Wis.	Fess	Kinkaid	Newton, Minn.
Burdick	Fields	Kitchin	Nolan
Burke	Fish	Kleczka	Padgett
Burtness	Fisher	Kline, N. Y.	Paige
Butler	Fitzgerald	Knight	Park, Ga.
Cannon	Focht	Knutson	Parker, N. J.
Cantrill	Fordney	Kreider	Parks, Ark.
Chandler, N. Y.	Foster	Kunz	Patterson, Mo.
Chandler, Okla.	Frear	Langley	Patterson, N. J.
Clark, Fla.	Freeman	Larson, Minn.	Perkins
Clarke, N. Y.	Fuller	Layton	Perlman
Classon	Funk	Lehlbach	Porter
Cockran	Gallivan	Lineberger	Pringey
Codd	Garrett, Tex.	Linthicum	Rainey, Ala.
Cole, Iowa	Glynn	Longworth	Ramseyer
Connell	Goodykoontz	Luhring	Ransley
Connolly, Pa.	Gould	Lyon	Rayburn
Cooper, Ohio	Graham, Ill.	McArthur	Reber
Cooper, Wis.	Graham, Pa.	McClintic	Riddick

Riordan	Shaw	Strong, Pa.	Vinson
Robertson	Shreve	Sullivan	Walters
Robsion	Sinclair	Swank	Ward, N. Y.
Rodenberg	Sinnott	Sweet	Wason
Rosenbloom	Sisson	Taylor, Ark.	Weaver
Rouse	Smith, Mich.	Taylor, Colo.	Wheeler
Rucker	Smithwick	Taylor, Tenn.	Williams, Ill.
Ryan	Snell	Temple	Winslow
Sabath	Snyder	Ten Eyck	Wood, Ind.
Sanders, Ind.	Sproul	Tilson	Woodyard
Sanders, N. Y.	Stedman	Treadway	Wright
Sandlin	Stevenson	Tyson	Wurzbach
Schall	Stiness	Upshaw	Yates
Sears	Stoll	Vare	Young

Thereupon the committee rose; and the Speaker pro tempore having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 7102, finding itself without a quorum, he had caused the roll to be called; that 217 Members had answered to their names—a quorum—and that he presented the list of absentees for insertion in the Journal and RECORD.

The committee resumed its session.

Mr. DUNBAR. Mr. Chairman, I move to strike out the word "Provided," in line 19, page 12.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DUNBAR: Page 12, line 19, strike out the word "Provided."

Mr. DUNBAR. I wish to ask the gentleman in charge of the bill——

Mr. WILLIAMSON. Mr. Chairman, I make the point of order that debate has been closed.

The CHAIRMAN. Debate has closed.

Mr. VESTAL. I understood there was just an amendment. Debate has been closed on the section and amendments thereto.

Mr. DUNBAR. If there is no vote and no voice, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

SEC. 7. That any hamper, round stave basket, or splint basket for fruits or vegetables, whether filled or unfilled, or parts of such hampers, round stave baskets, or splint baskets, not complying with this act, which shall be manufactured for sale or shipment, offered for sale, sold, shipped, or imported, may be proceeded against in any district court of the United States within the district where the same shall be found and may be seized for confiscation by a process of libel for condemnation. Upon request, the person entitled shall be permitted to retain or take possession of the contents of such hampers or baskets, but, in the absence of such request or when the perishable nature of such contents makes such action immediately necessary, the same shall be disposed of by destruction or sale, as the court or a judge thereof may direct. If such hampers, round stave baskets, splint baskets, or parts thereof be found in such proceeding to be contrary to this act, the same shall be disposed of by destruction, except that the court may by order direct that such hampers, baskets, or parts thereof be returned to the owner thereof, or sold, upon the payment of the costs of such proceeding and the execution and delivery of a good and sufficient bond to the effect that such hampers, baskets, or parts thereof shall not be sold or otherwise disposed of or used contrary to law. The proceeds of any sale under this section, less legal costs and charges, shall be paid over to the person entitled thereto. The proceedings in such seizure cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such cases, and all such proceedings shall be at the suit and in the name of the United States.

Mr. VESTAL and Mr. QUIN rose.

The CHAIRMAN. The gentleman from Indiana [Mr. VESTAL] is recognized.

Mr. VESTAL. Mr. Chairman, this section 7 is in the same language exactly as was in the bill when it passed the House at the last session, after quite a good deal of discussion. It is in the exact language of the section used in the pure food and drugs act, and in view of the fact of so much discussion already having been had on this bill and upon this section and in general debate, I move that debate on this section and all amendments thereto be now closed.

Mr. MOORE of Virginia. Mr. Chairman, let me ask the gentleman to reserve his motion so as to enable me to make an inquiry of him in good faith.

Mr. VESTAL. I shall be glad to.

Mr. MOORE of Virginia. It seems to me that this section would impose a real hardship upon a producer hauling to the market in his own vehicle, in his own wagon or his own automobile, his fruits and vegetables packed in hampers that do not correspond with the descriptions and definitions in this bill. If he did that, say, took a load of vegetables or fruits to the city of Chicago in hampers that are at variance in size and construction with the provisions of this bill, then under the plain provisions of section 7 the containers would be subject to condemnation. I do not think my friend can escape that conclusion. Whatever may appear in any other legislation that we have adopted, that is the conclusion from section 7, and if we are going to adopt the language of section 7 there ought to be a proviso that would exempt such a condition as I have illustrated.

Mr. VESTAL. In answer to the gentleman from Virginia, I do not agree with him—I may be wrong about it—except in this case: If a producer produced vegetables and placed them in certain hampers or baskets, round stave baskets or splint baskets—that is, the basket mentioned in this act—and expected to sell those vegetables in the market in those hampers or baskets, then, of course, he would be amenable here. But if he carried his products to market in any sort of a container—a wooden box, or a washtub, or boiler, or anything of that kind—he has a perfect right to do it. It is only when the man uses the baskets and hampers mentioned in this act that they must be of the standard prescribed by the language in this act.

Mr. MOORE of Virginia. I am, of course, talking about hampers exclusively. The farmers who raise fruits and vegetables, and whom I have in mind, would use hampers. The section is so drawn that as soon as the supposed farmer reached the limits of Chicago, or even if waylaid by an inspector outside the limits of Chicago, would be subject to the condemnation of his hampers. Now, in order to justify the construction that you apply to section 7, something must be read into it that is not written in it. You say the intention is—and I have no doubt the intention is—not to impose any burden upon the producer unless he undertakes to sell. But nevertheless the language as it is written in this bill does not express that intention, but gives the right to condemn just so soon as it is found that the hampers are not in accordance with the provisions of this bill.

Mr. VESTAL. Now, let me say this to the gentleman: Supposing that were true, what hardship would it impose upon anyone? Because the producer can only buy standard hampers when this bill goes into effect, and it will not go into effect until November, a year after the passage. He can not buy anything but standard hampers, and if he uses hampers he can not buy anything but standard hampers, and if he uses baskets he can buy only standard baskets.

Mr, MOORE of Virginia. You are now talking about something else, as to how much hardship will be imposed on the producer. There are unnumbered producers throughout the country who have hampers that they have accumulated during a period. They are permitted now to use those hampers, of whatever their character. They will not be allowed to continue to use those hampers to convey their produce to market if section 7 is adopted.

Mr. VESTAL. The gentleman would not contend that they could use those hampers for the next 10 years?

Mr. MOORE of Virginia. They can use them while they are usable. Why should we put a burden upon the people who need the most relief?

Mr. JONES of Texas. Mr. Chairman, I would suggest to the gentleman that he could only buy hampers conforming to the Government standard.

Mr. VESTAL. Mr. Chairman, I renew my motion that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That this act shall not prohibit the manufacture for sale or shipment, offer for sale, sale, or shipment of hampers, round stave baskets, splint baskets, or parts thereof, to any foreign country in accordance with the specifications of a foreign consignee or customer not contrary to the law of such foreign country; nor shall this act prevent the manufacture or use of banana hampers of the shape and character now in commercial use as shipping containers for bananas.

Mr. QUIN. Mr. Chairman, I move to strike out the last two words from this paragraph.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last two words.

Mr. QUIN. Mr. Chairman and gentlemen, this is at present the shipping season of vegetables from the Southern States. It is no small business. It is an immense business. In the district that I have the honor to represent one town alone, Crystal Springs, is now averaging 75 cars of tomatoes per day. In that same Copiah County there are five or six different towns where from 10 to 25 cars of tomatoes are being shipped, and several other counties in the seventh Mississippi district

are shipping many cars each day; and by the way, they are the best tomatoes in the United States. [Laughter.] These gentlemen who think that the size of a hamper has anything to do with what those farmers are producing or what the consumer is getting are sadly mistaken. The Crystal Springs tomato is advertised in this city. I got off the car the other day and saw some and offered to buy some. The dealer said, "They are 5 cents apiece." They were not in any hamper or basket in which they were shipped. I bought 10 tomatoes for 50 cents. It would have taken a John D. Rockefeller to have bought a bushel of those tomatoes. [Laughter.] The farmers down there receive about one-fourth of 1 cent for each tomato. You Republicans are endeavoring to hamper the farmer by increasing the cost of the baskets in which he ships his products and increasing the price of the fertilizer by which he can produce those products—those tomatoes and beans and butter beans and potatoes—at cheaper prices. You enact an iniquitous Esch-Cummins railroad bill compelling the farmer to pay 182 per cent more for his freight than he paid before the Republican Party, at the behest of organized wealth, put that oppressive burden on the farmer.

And, by the way, under that same iniquitous bill your board created under that bill, by its decision the other day, took away annually from the poor men working, and sweating in the railroad car shops $60,000,000 that they ought to have to go into their home to feed their wives and children and buy shoes and clothes and books for them to use in school and fuel to keep them warm in cold weather. Under that iniquitous legislation which you passed, instead of reducing freight rates your board came along and took away 5 cents an hour from the lowest-paid labor employed by the railway systems of the United States. Do you tell me that the election in Iowa did not mean something? Has that board, under the Esch-Cummins Act, done anything to reduce the high salaries of the presidents and high officials of the railroads or cut out their useless and clumsy expense charges so as to give cheaper freight rates? It meant that the Republican Progressives, joining hands with the masses of the people, marched in solid phalanx with their majestic tread to the ballot box and voted against this Republican organization in Congress, the same as they did in Pennsylvania and Indiana. They voted in protest against the oppressive hand that you have laid upon the people within the last two years. My Republican friends, if you keep on with the class and type of legislation that you are pushing through all the time the people will march against you in November, and again the Democratic hosts will triumph at the polls and come into power and legislate for the people. The time is at hand; the day of judgment is near; and you will find yourselves in a position where you can not any more ride roughshod over the rights of the people. [Applause.]

Mr. VESTAL. Mr. Chairman, I move that all debate on this section and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this section and amendments thereto be now closed. The motion was agreed to.

The Clerk read as follows:

SEC. 9. That this act shall not be understood or construed as in any way repealing the act of July 28, 1866 (Rev. Stat. U. S., secs. 3569, 3570), legalizing the use of the weights and measures of the metric system.

Mr. REED of New York. Mr. Chairman, I desire to ask the gentleman from Indiana a question. I come from a district where they raise a very large quantity of grapes, and, of course, they are interested in the grape baskets and containers. Those grape baskets have been standardized. Do I understand that this act in any way interferes with them?

Mr. VESTAL. Not at all. On page 12, line 19, it is provided that this act shall not apply to baskets or other containers holding less than 4 quarts or that comply with the provisions of the act approved August 31, 1916, and that was the Climax grape basket act.

Mr. DUNBAR. Did not the Climax act provide that none of those baskets of that size should be stamped?

Mr. VESTAL. I believe the gentleman is right about that.

Mr. DUNBAR. Then this bill restricts the Climax basket act?

Mr. VESTAL. No; it does not interfere with that at all.

Mr. DUNBAR. Under the Climax basket act could not a container containing more than 4 quarts be exempt from being stamped?

Mr. VESTAL. Yes.

Mr. DUNBAR. What is the reason that a container of less than 4 quarts is not required to be stamped?

Mr. VESTAL. I am not prepared to state that reason.

Mr. DUNBAR. Does not the gentleman believe that the poor man buying 2 quarts should have the same protection under the law as the man buying a bushel?

Mr. VESTAL. I think you will find that all these small baskets are marked, although they are not required to be marked.

Mr. DUNBAR. Will the gentleman tell me why they are marked if they are not required to be marked?

The CHAIRMAN. The time of the gentleman has expired.

Mr. VESTAL. I have an amendment I desire to offer. Some question has been raised by different Members whether or not the metric system might be employed in these different measurements, and in order to be sure about it I move to strike out section 9.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VESTAL: Page 15, line 11, strike out all of section 9.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to proceed out of order for one minute.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to speak out of order for one minute. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Chairman, I thought it might interest Members of the House to know that arrangements have been made whereby the municipal swimming pool, under the shadow of the Monument, will be open mornings at 6.30 o'clock, and that Members of Congress and their families can have the use of the pool from 6.30 until 7. I advise all to try it, as it will fit you for the day's work.

The Clerk read as follows:

SEC. 11. That the Secretary of Agriculture shall prescribe such regulations as he may find necessary for carrying into effect the provisions of this act, and shall cause such examinations and tests to be made as may be necessary in order to determine whether hampers, round stave baskets, and splint baskets, or parts thereof, subject to this act, meet its requirements. For said purposes the authorized officers and agents of the Department of Agriculture may visit factories, stock rooms, and other places of business where such hampers, baskets, or parts thereof are manufactured or held for sale or shipment, or offered for sale, may enter cars, vessels, other vehicles, and places under the control of carriers engaged in the transportation of such hampers, baskets, or parts thereof, and may take samples of such hampers, baskets, or parts thereof, the cost of which samples, upon request, shall be paid to the person entitled.

Mr. VESTAL. Mr. Chairman, I desire to offer an amendment to the section. On page 16, line 3, after the word "requirement," strike out the period and insert a comma, and strike out the balance of line 3, lines 4, 5, 6, 7, 8, 9, and the first two words on line 10.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. VESTAL: Page 16, line 3, after the word "requirement," strike out the period and insert a comma, and strike out the remainder of line 3, lines 4 to 10, inclusive, and strike out the words "parts thereof" on line 10.

Mr. VESTAL. I offer this amendment to take out the question of search and seizure.

Mr. WINGO. That takes out all with reference to search and seizure?

Mr. VESTAL. Yes.

Mr. WINGO. I commend the gentleman for his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. That sections 6 and 7 of this act shall become effective at but not before the expiration of one year following the 1st day of November next succeeding the passage of this act.

Mr. VESTAL. Mr. Chairman, I ask unanimous consent that the Clerk have authority to renumber the sections.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the Clerk be authorized to renumber the sections. Is there objection?

There was no objection.

Mr. VESTAL. Mr. Chairman, I move that the committee do now rise and report the bill, with sundry amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WINGO. I suggest to the gentleman that there was an amendment of mine which the gentleman accepted, and it included the word "section" and the figure "5." I suggest that the word "section" and the figure "5" should be retained, and I ask unanimous consent to reinsert the section and figure.

The CHAIRMAN. The Chair is informed that it was retained.

The motion of Mr. VESTAL was agreed to; accordingly the committee rose, and the Speaker pro tempore [Mr. WALSH] having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill (H. R. 7102) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. VESTAL. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The motion was agreed to, and the previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I move to recommit the bill with instructions to the committee that it be reported back forthwith, with an amendment striking out all after the word "thereof," in line 10, page 11, down to and including the word "material," at the end of the section.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GARRETT of Tennessee moves to recommit the bill to the Committee on Coinage, Weights, and Measures, with instructions to that committee to report the same back forthwith, with an amendment, at page 11, line 10, after the word "thereof," to strike out the remainder of the section.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee and Mr. LONDON) there were 82 ayes and no noes.

So the motion to recommit was agreed to.

Mr. VESTAL. Mr. Speaker, I report back the bill (H. R. 7102) with the following amendment:

On page 11, line 10, beginning with the word "each," strike out the balance of the section.

The SPEAKER pro tempore. The gentleman from Indiana reports back the bill H. R. 7102, with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. VESTAL reports the bill back to the House with the following amendment: Page 11, line 10, after the word "thereof," strike out the balance of section 4.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken and the bill was passed.

On motion of Mr. VESTAL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. LUCE, on account of illness in his family.

Mr. APPLEBY, for four legislative days, June 9 to 13, inclusive, on account of attending unveiling exercises Princeton Battle Monument and the exercises at Rutgers College commencement.

EXTENSION OF REMARKS.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the Ward sugar resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to revise my remarks upon this bill.

The SPEAKER pro tempore. The gentleman has the right under the general rules of the House to revise the remarks that he has made. If he desires to extend them——

Mr. RAKER. I do not.

ORDER OF BUSINESS.

The SPEAKER pro tempore. Under the order previously entered into, it is now in order to call the Private Calendar, beginning where the last call terminated on April 21, 1922.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, June 9, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. H. R. 11939. A bill to amend section 5219 of the Revised Statutes of the United States; without amendment (Rept. No. 1078). Referred to the House Calendar.

Mr. SINNOTT: Committee on Public Lands. H. R. 11363. A bill granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located; with amendments (Rept. No. 1079). Referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY: Committee on Territories. H. R. 11589. A bill to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes; without amendment (Rept. No. 1081). Referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY: Committee on Territories. H. R. 11590. A bill to amend sections 34 and 40 of the organic act of the Territory of Hawaii; without amendment (Rept. No. 1082). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 11872. A bill to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes; without amendment (Rept. No. 1083). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCORMICK: Committee on Indian Affairs. S. 2210. An act for the relief of Lucy Paradis; without amendment (Rept. No. 1080). 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. ROSSDALE: A bill (H. R. 11954) to reorganize and improve the postal service in the city of New York and consolidate the various separate post offices and postal districts within the territory of the city of New York into one postal district, which shall consist of five subdivisions similar in territory and boundaries to the five boroughs constituting the city of New York; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: A bill (H. R. 11955) to authorize the Secretary of the Interior to issue a patent to the University of Arizona for 160 acres of land; to the Committee on the Public Lands.

By Mr. HULL: A bill (H. R. 11956) to create a board of adjustment which shall constitute a wage board and board of appeals for employees of navy yards and arsenals and to define its powers and duties; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BLAND of Virginia: A bill (H. R. 11957) for the relief of Edna E. Curtis; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 11958) granting a pension to Hanna A. Rice; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 11959) granting a pension to Clara H. Hollmann; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 11960) granting a pension to Margaret Newell; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11961) granting an increase of pension to Mary C. McCabe; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11962) granting an increase of pension to Charlotte S. Norton; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 11963) authorizing the President to appoint Anton Lohmiller to the position and rank of captain Quartermaster Corps in the United States Army; to the Committee on Military Affairs.

PETITIONS, ETC.

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

5942. By the SPEAKER (by request): Petition of North Indiana Conference of the Methodist Episcopal Church, representing a membership of 91,866, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5943. Also (by request), petition of Presbytery of Fort Wayne, Ind., of the Presbyterian Church in the United States, representing membership of 6,392, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5944. Also (by request), resolution of the Berkshire (Mass.) Baptist Association, representing 3,582 members, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5945. Also (by request), resolution of the Presbytery of Portland, Oreg., of the Presbyterian Church in the United States, representing a membership of 8,096, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5946. Also (by request), resolution of the Presbytery of Kalispell, Mont., of the Presbyterian Church in the United States, representing a membership of 929, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5947. Also (by request), resolution of the Presbytery of Laramie, Wyo., of the Presbyterian Church in the United States, representing a membership of 473, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5948. Also (by request), resolution of the Presbytery of Mankato, Minn., of the Presbyterian Church in the United States, representing a membership of more than 5,000, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5949. Also (by request), resolution of the Presbytery of Olympia, Wash., of the Presbyterian Church in the United States, representing a membership of 3,801, in support of the constitutional amendment to prohibit sectarian appropriations, House Joint Resolution 159; to the Committee on the Judiciary.

5950. By Mr. FROTHINGHAM: Resolution adopted at the one hundred and twenty-sixth session of the New England Conference of the Methodist Episcopal Church by the pastors expressing to President Harding their appreciation of the sympathy he has expressed for the adequate enforcement of the eighteenth amendment and that he prevent interference with the impartial and strict enforcement of the Volstead Act; to the Committee on the Judiciary.

5951. By Mr. KISSEL: Petition of R. Herandez Usera, Madrid, Spain, regarding Porto Rico; to the Committee on Foreign Affairs.

5952. Also, petition of William Wallace Brauer, Washington, D. C., regarding credit to Europe; to the Committee on Foreign Affairs.

5953. By Mr. LEA of California: Petition signed by 199 citizens of Oakland, Calif., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

5954. By Mr. RAKER: Petition of Vermont Square Methodist Episcopal Church, by Charles D. Lewis, pastor, of Los Angeles, Calif., urging relief for the Armenians; to the Committee on Foreign Affairs.

5955. Also, petition of the California Society of the Sons of the American Revolution, of San Francisco, Calif., protesting against the reduction of the Army and Navy below the strength recommended by the War and Navy Departments; to the Committee on Appropriations.

5956. By Mr. RYAN: Resolution relative to the Irish resolution introduced by Senator NORRIS relating to the Republic of Ireland; to the Committee on Foreign Affairs.

5957. Also, resolutions adopted by the Greater Boston Chapter, Military Order of the World War, urging Congress to support the national defense act of 1920; to the Committee on Appropriations.

5958. By Mr. TINKHAM: Resolution passed at a meeting of the Massachusetts Baraca and Philathea Union, pledging its unqualified support to all officers, State and National, who justly and fearlessly are working for the complete abolition of the age-long curse of strong drink; to the Committee on the Judiciary.

5959. Also, resolution adopted by the Methodist Episcopal Church, Boston Area, Malden, Mass., expressing to President Harding the appreciation of its members for the adequate enforcement of the eighteenth amendment and hoping that he will use all the power at his command to prevent interference with the impartial and strict enforcement of the Volstead Act; to the Committee on the Judiciary.

SENATE.

FRIDAY, *June 9, 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	Glass	McKinley	Simmons
Ball	Gooding	McNary	Smith
Borah	Hale	Myers	Smoot
Brandegee	Harris	Nelson	Spencer
Broussard	Harrison	Newberry	Sterling
Calder	Heflin	Nicholson	Sutherland
Cameron	Johnson	Oddie	Swanson
Capper	Jones, N. Mex.	Overman	Townsend
Culberson	Jones, Wash.	Page	Underwood
Cummins	Kellogg	Phipps	Wadsworth
Curtis	Kendrick	Pittman	Walsh, Mass.
Dial	Keyes	Poindexter	Warren
Dillingham	King	Pomerene	Watson, Ga.
Elkins	La Follette	Rawson	Watson, Ind.
Fernald	McCormick	Robinson	Williams
Gerry	McCumber	Sheppard	Willis

Mr. UNDERWOOD. I desire to state that the Senator from Florida [Mr. FLETCHER] is detained by illness. I ask that this announcement may stand for the day.

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

PUBLICITY FUND OF FEDERAL RESERVE BOARD.

The VICE PRESIDENT laid before the Senate a communication from the governor of the Federal Reserve Board, transmitting, in response to Senate Resolution 302, agreed to June 7, 1922, certain information relative to publicity funds, etc., which was referred to the Committee on Banking and Currency.

PETITIONS.

The VICE PRESIDENT laid before the Senate resolutions adopted by the Travelers' Protective Association of America, at Atlantic City, N. J., favoring the enactment of legislation amending the transportation act of 1920, so as to reinvest State commissions with power to regulate intrastate transportation systems, which were referred to the Committee on Interstate Commerce.

Mr. WILLIS presented a resolution of the Cincinnati (Ohio) Chamber of Commerce, favoring the passage of House bill 9446, providing for the incorporation of the American Institute of Accountants, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the board of directors of the Bankers' Association for Foreign Trade, at Philadelphia, Pa., favoring the enactment of legislation granting a