be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

1049. By Mr. REED of New York: Petition of residents of the forty-third congressional district of New York, in favor of Civil War pension bill; to the Committee on Invalid Pensions.

1050. By Mr. REID of Illinois: Petition of several hundred citizens of the State of Illinois, members of the Woman's Relief Corps, urging the passage of a bill providing increase of pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1051. By Mr. SANDERS of New York: Petitions signed by sundry citizens of Batavia and Brockport, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1052. By Mr. SNOW: Petition of citizens of the cities of Bangor and Brewer, Me., in favor of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1053. By Mr. SWING: Petition of citizens of Beaumont, Calif., in favor of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1054. Also, petition of citizens of Beaumont, Calif., in favor of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1055. By Mr. TAYLOR of Colorado: Petition of citizens of Grand Junction, Colo., advocating increase of pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1056. Also, petition of citizens of Hotchkiss, Colo., advocating increase of pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1057. Also, petition from citizens of Buena Vista, Colo., advocating increase of pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1058. Also, petition from citizens of Delta, Colo., advocating increase of pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1059. Also, petition from citizens of Gunnison, Colo., advocating increase of pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1060. By Mr. TILSON: Petition of Josephine D. Russell and others, urging legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1061. By Mr. UNDERHILL: Petition of citizens of the State of Massachusetts, praying for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1062. By Mr. UNDERWOOD: Petition of Catherine Roll and others, of Adelphia, Ohio, asking for legislation to increase the pension of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

1063. Also, petition of Sophia Briggs and others, of Ashville, Ohio, asking for legislation to increase the pension of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *November 15, 1929*

(Legislative day of Wednesday, October 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

Allen	Frazier	Kendrick	Sheppard
Ashurst	George	Keyes	Shortridge
Barkley	Gillett	La Follette	Simmons
Bingham	Glass	McCulloch	Smith
Black	Glenn	McKellar	Smoot
Blease	Goff	McMaster	Steck
Borah	Goldsborough	McNary	Steiwer
Bratton	Greene	Metcalf	Stephens
Brock	Hale	Moses	Swanson
Brookhart	Harris	Norbeck	Thomas, Idaho
Broussard	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Connally	Hatfield	Oddie	Trammell
Copeland	Hawes	Overman	Tydings
Couzens	Hayden	Patterson	Vandenberg
Cutting	Hebert	Phipps	Wagner
Deneen	Heflin	Pittman	Walcott
Dill	Howell	Ransdell	Walsh, Mass.
Edge	Johnson	Reed	Waterman
Fess	Jones	Sackett	Wheeler
Fletcher	Kean	Schall	

Mr. SHEPPARD. I wish to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from Montana [Mr. WALSH], the Senator from Indiana [Mr. ROBINSON], and the Senator from Wisconsin [Mr. BLAINE] are necessarily detained on business of the Senate.

I also wish to announce that the junior Senator from Utah [Mr. KING] is necessarily detained by illness.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is absent because of illness.

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

PETITIONS

Mr. FESS presented petitions of sundry citizens of the State of Ohio praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

REPORT OF NAVAL NOMINATIONS

Mr. HALE, as in open executive session, from the Committee on Naval Affairs, reported sundry Navy nominations, which were ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. COPELAND:

A bill (S. 2115) to create the Gowanus Stone House Battle Memorial Park; to the Committee on Military Affairs.

By Mr. GREENE:

A bill (S. 2116) granting a pension to Grace M. Maher; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 2117) to authorize arrests in certain cases and to protect employees of the Department of Agriculture in the execution of their duties; to the Committee on Agriculture and Forestry.

A bill (S. 2118) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards (Inc.); to the Committee on Claims.

A bill (S. 2119) to amend an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended; to the Committee on Military Affairs.

A bill (S. 2120) to remit the duty on machinery imported by the State of Oregon for the use of the State flax industry; and

A bill (S. 2121) granting war-risk insurance to Ernest L. McDowell; to the Committee on Finance.

A bill (S. 2122) granting the consent of Congress to the Sunset Investment Co. to construct, maintain, and operate a dam to retain tidal waters in Inner Depot Bay, Lincoln County, Oreg.; and

A bill (S. 2123) authorizing an appropriation of $25,000 for the purchase of the compilation of place names of William G. Steel; to the Committee on Commerce.

By Mr. NYE:

A bill (S. 2124) relating to indemnification for pecuniary injuries to persons erroneously convicted of crimes or offenses against the United States; to the Committee on the Judiciary.

By Mr. BLACK:

A bill (S. 2125) granting a pension to Robert C. Hambrick; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 2126) to provide for the appointment of an additional district judge for the district of Minnesota; to the Committee on the Judiciary.

A bill (S. 2127) to confer jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which any citizen of the United States may have or claim to have against the United States by reason of or arising out of unlawful acts committed by or on behalf of any officer or agent of the United States during and subsequent to the war with Germany; to the Committee on Claims.

By Mr. BLEASE:

A bill (S. 2128) for the relief of the counties of the State of South Carolina for damage to and destruction of roads and bridges and ferries by floods in 1929; to the Committee on Post Offices and Post Roads.

By Mr. WHEELER:

A bill (S. 2129) granting a pension to William A. Hough; to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 2130) for the relief of Don C. Fees (with accompanying papers); to the Committee on Claims.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

AMENDMENTS TO THE TARIFF BILL

Mr. HAYDEN, Mr. HEBERT, and Mr. ROBINSON of Indiana each submitted an amendment intended to be proposed by them, respectively, to House bill 2667, the tariff revision bill, which were severally ordered to lie on the table and to be printed.

MUSCLE SHOALS

Mr. BLACK. Mr. President, I ask unanimous consent, out of order, to place in the RECORD at this time two amendments which I propose to offer at a later date to the Muscle Shoals joint resolution.

I desire to direct the attention of those who are interested in Muscle Shoals legislation to these two amendments. One provides for the building of an additional dam looking toward navigation improvements and increasing the available power at Muscle Shoals. The other gives to the President authority to lease the nitrate plants, thus separating the question of the nitrate plants from the power, and further provides that if, within three months, no lessee can be secured to operate the nitrate plants and manufacture fertilizer, the Government shall then proceed to operate them, as provided in the joint resolution of the Senator from Nebraska [Mr. NORRIS].

The PRESIDING OFFICER (Mr. JONES in the chair). Is there objection to the request of the Senator from Alabama? The Chair hears none.

Mr. McKELLAR. Just a moment. What was the request?

Mr. BLACK. The request was to have two amendments relative to Muscle Shoals filed and printed, and printed in the RECORD, in order that Senators may study them before we take up the Muscle Shoals joint resolution, so that Senators may study them in advance, and if there are any additional suggestions they may be offered.

Mr. McKELLAR. I have no objection.

The two amendments intended to be proposed by Mr. BLACK to the joint resolution (S. J. Res. 49) to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes, were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 15, after line 24 (of S. J. Res. 49), insert the following new section:

"SEC. 14. The Secretary of War is hereby authorized and directed to complete the construction of Dam No. 3 in the Tennessee River, near Muscle Shoals, Ala., in accordance with the report submitted in House Document No. 1262, Sixty-fourth Congress, first session, except that the Secretary of War may, in his discretion, make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation. When said Dam No. 3 has been completed the possession, use, and control thereof shall be intrusted to the corporation for use and operation in connection with the general Muscle Shoals project and for the promotion of flood control and navigation in the Tennessee River. In order to carry out the provisions of this section the Secretary of War shall have the same power and authority with respect to Dam No. 3 as are conferred upon him by section 16 with respect to Cove Creek Dam."

On page 10, after line 22 (of S. J. Res. 49), insert the following new section:

"SEC. 7. (a) Notwithstanding the foregoing provisions of this act, the corporation shall not operate nitrate plant No. 1 or nitrate plant No. 2 at Muscle Shoals for the fixation of nitrogen or for the manufacture of fertilizer or its ingredients until an attempt has been made to lease such properties, as hereinafter provided. Subject to the approval of the President, the board is authorized to lease, either separately or as a whole, nitrate plant No. 1 and nitrate plant No. 2 (including the Waco limestone quarry) together with all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants (except power plants), necessary for the fixation of nitrogen or the manufacture of fertilizer and its ingredients, at a rental of $1 per year for each such lease, and upon such terms and conditions as the board may prescribe. As soon as practicable after the first meeting of the board, the board shall proceed to give three months' notice, in the manner best calculated to inform the public, that it will receive offers to lease such properties in accordance with the provisions of this section. The board shall lease such properties to the person who, in its judgment, is best qualified to carry out the purposes of this act and to manufacture and sell at reasonable rates fertilizer and fertilizer ingredients. Any such lease shall provide that the lessee shall manufacture and sell commercial fertilizer at a price not in excess of 8 per cent of the cost of production and provide for prompt cancellation of the lease if the lessee or lessees fail or refuse to comply with the provisions of the lease requiring the manufacture and sale of fertilizer as above provided.

"(b) Any such lease shall provide that the lessee may, without additional rental, have the use of such additional land at or near Muscle Shoals as may be necessary for the fixation of nitrogen or the manufacture of fertilizer and its ingredients. Subject to the approval of the President, the board is authorized, by separate instrument, to lease to any such original lessee any buildings or equipment, other than those included under subdivision (a), at such rental, and upon such terms and conditions, as the board deems advisable.

"(c) Any lessee under this section may, with the approval of the board, make alterations, modifications, or improvements in existing plants and facilities, and construct and operate new plants and facilities, in order to properly carry out the purposes of this section.

"(d) The board shall sell to the lessee or lessees such power as may be needed for the operation of plants Nos. 1 and 2 and such additional plants as may be constructed under the provisions of this section, for the fixation of nitrogen and the manufacture of fertilizer and fertilizer ingredients, at such rates as the Federal Power Commission fixes as reasonable, just, and fair.

"(e) In any lease under this section proper provision shall be made for cancellation thereof and taking over by the United States of the property covered by the lease, in case of war or national emergency declared by Congress, as provided in section 18, and subject to the limitations therein contained as to payment of damages.

"(f) If, after three months notice, as provided in subdivision (a), no offer suitable to the board has been received from a responsible applicant, to lease such properties, the board shall proceed to operate the same in accordance with the provisions of this act, without regard to the provisions of this section."

"A COMPLIMENT THAT WENT WRONG"

Mr. NORBECK. Mr. President, I ask to have printed in the RECORD an editorial from the New York Times, entitled "A Compliment That Went Wrong," which has been handed to me by another Senator.

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

[From the New York Times]

A COMPLIMENT THAT WENT WRONG

GEORGE MOSES was brought up well but for too many years he has associated with men whose study was but little on the Bible. A clergyman's son, he has grown rusty on his texts. Such is the effect of evil communications. What he meant to say about the insurgent Republicans was that they are "sons of the wild ass." That is one of the most respectable and admired animal characters in the Old Testament. It is the type of freedom. It is a dweller in the wilderness, a nomad, a Bedouin. It is swift, graceful, lovely, hard to catch. What could be more symbolic of the aversion of the insurgents to party discipline, of their devotion to the farm and the farmer, of their agrarian dislike of urban communities than Job's portrait of Hemippus:

"He scorneth the multitude of the city, neither regardeth he the crying of the driver."

"The range of the mountains is his pasture, and he searcheth after every green thing."

Obscurely remembering this pastoral, Mr. MOSES had to degrade it by using an unfortunate term, of which he is too fond, "jackass." His error should not blind us to his good intention. The insurgents are not really "mad." It has long been one of the chiefest joys of Mr. MOSES to jeer the Senate. The insurgents try to pretend indignation, but they are really tickled to death by the little pleasantries with which members of the disorganized Old Guard salute the triumphant West. These things do not hurt the insurgents. They help them in their business. But Mr. MOSES seems to have hurt himself in his largely honorary business as chairman of the Republican senatorial campaign committee.

It must sadden his patron, Chairman Huston, to see the terrible infant of the Senate falling from trouble into trouble. Besides, the too careless jester will not endear himself to his own State by sharpening the humorous zeal of the coalition to cut down the protection of eastern industries. Protection is fine in its place. That is in the South and the West. The insurgent Senators up for reelection this year do not need any assistance from the campaign committee, provided that curious survival in the tactful hand of Mr. MOSES can give any. If logic dared to stick her nose into politics, there would be two Republican senatorial campaign committees. But our concern is for Mr. MOSES.

He must envy the liberty of the wild ass in the wilderness if it be true that his fellow committeemen are angry because he went to Chicago without telling them. What happiness is the seclusion that a Pullman grants to a Senator who has to ask permission to leave Washington? Is the terrible infant to be disciplined? Everything Republican is such a joke now that Mr. MOSES as an impenitent wag skins the feelings of his brethren. For his own good we entreat him to be as solemn and woebegone as the circumstances demand. His frivolity is without excuse, for—

"The wild asses did stand in the high places; they snuffed up the wind like dragons."

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the indus-

tries of the United States, to protect American labor, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from Maryland [Mr. GOLDSBOROUGH] to the amendment of the committee, which will be stated.

The CHIEF CLERK. The amendment of the committee is in paragraph 737, cherries, on page 134, to strike out lines 21, 22, and 23, in the following words:

(2) Sulphured, or in brine, with stems and pits, 5½ cents per pound; with stems or pits removed, 9½ cents per pound.

And to insert in lieu:

(3) Sulphured, or in brine, in size more than 900 to the gallon: With pits, 3 cents per pound; with pits removed, 4 cents per pound.

(4) Sulphured, or in brine, in size 900 or less to the gallon: With pits, 5½ cents per pound; with pits removed, 9½ cents per pound.

On page 135, line 1, the Senator from Maryland [Mr. GOLDSBOROUGH] moves to strike out the words "in size" and insert the word "counting" and to strike out the numerals "900" and insert the numerals "700," and in line 4 to strike out the words "in size 900" and insert in lieu thereof "counting 700," so as to make the clauses read:

(3) Sulphured, or in brine, counting more than 700 to the gallon: With pits, 3 cents per pound; with pits removed, 4 cents per pound.

(4) Sulphured, or in brine, counting 700 or less to the gallon: With pits, 5½ cents per pound; with pits removed, 9½ cents per pound.

The PRESIDENT pro tempore. The question is on agreeing to the amendment which the Senator from Maryland proposes to the amendment of the committee.

Mr. EDGE. Mr. President, first permit me to apologize, if that is necessary, if my absence last evening in any way held up action on this particular paragraph. I have been brought up with the conviction that when one has made an engagement the breaking of which would inconvenience others, he should carry out the obligation. That condition made it rather difficult on three hours' notice to attend the session last evening. However, I have no desire to have action on this paragraph, or any other paragraph, so far as that is concerned, delayed on account of my absence.

This morning I have rather hurriedly looked over the RECORD and feel that there is very little to add to the argument which was presented by the Senator from Maryland [Mr. GOLDSBOROUGH], the Senator from New York [Mr. COPELAND], and others covering the proposed Finance Committee amendment. Now, as I understand it, the Senator from Maryland is proposing to amend the Finance Committee amendment. I agree with the Senator, from information the committee secured, that 700 cherries to the gallon would be a proper size division. However, all matters of this kind should be approached in a spirit of compromise. The Finance Committee, after considerable argument and debate, at least among the Republican members thereof, accepted the figures of 900 cherries to the gallon as a compromise and probably a fair dividing mark. The facts as they appealed to me I can present in two or three minutes.

Italian cherries, bottled in brine, are sold in great quantities in this country. The figures have already been placed in the RECORD. Those are cherries of a small size as indicated by this division, and are a type of cherry that is not cultivated, generally growing wild, as I understand it. It is a cherry which, to a great extent, grows on trees along the public highways.

Photographs of these trees, certainly showing no evidence of cultivation, were presented to the committee and many American packers are, of course, interested in this paragraph. I have too high a regard for the energy and the progressive spirit of the American farmer not to be entirely convinced that he is trying to produce the maximum and finest quality of every type of product, whatever it may be. The result is the American cherry, as we all know, is a large luscious cherry, and if there are any parts of the country where the very small diminutive cherries, comparable to the Italian cherry are grown, I certainly do not think it represents any progressive type of modern farming or fruit production.

On the other hand, the large Italian-American citizenship, and many others who may not claim Italian-American heritage at all, like this type of small cherry. We had bottles of those cherries exhibited before the committee. The bottles were of different size, but mostly small, about 3 or 4 inches in height, containing a very small cherry that would not seem to be much larger than the nail of the little finger.

It appeals to me that it is perfectly fair to make the distinction between the two varieties of cherries and still not in any way be unfair to the American cherry grower.

It has been said many times, with a force which I think we must admit, that there are some imports from the world in general that we must permit to come into this country if we are ever going to balance trade. So when an imported product is represented as not being strictly in competition with the domestic article and is sold in large quantities, showing its popularity in the market of the United States, it would seem to me it is one class of commodity against which we should not absolutely put up an embargo so that it can not be imported at all.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from California?

Mr. EDGE. I yield.

Mr. SHORTRIDGE. Will the Senator from New Jersey be kind enough to tell us just why it is that the eastern manufacturers buy the Italian cherry in question? I think I know, but will the Senator be kind enough to give the answer?

Mr. EDGE. My information is that the main reason—and I am only passing on information which has been given to me—is that there is a peculiar taste to that size or type of cherry that a large number of our citizens enjoy, and they want that cherry. Its price, I suppose, has something to do with it likewise; but, anyway, I may say to my friend from California that the trade returns, as I recall them, show a very large sale of this particular type of cherry, and I contend if we do not produce them through intensive cultivation, then the foreign article does not come in competition with the domestic article. I do not doubt Senators can demonstrate that in some parts of the country small cherries are raised, but, generally speaking, I think the American fruit grower is proud to produce fine, large fruit, whether it be an apple or a cherry, a peach or a pear, and he is not trying to develop a diminutive cherry.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from New York?

Mr. EDGE. I shall yield the floor in just a moment.

Mr. President, I have said about all I care to say on this subject. I do not think it is a large matter to the agricultural interests of the country, but I think it looms quite large in the eyes of the Italian-American citizenship, and also in its effect on the balance of trade with the great country of Italy. It is one of the things that we can afford to import, in my judgment, in view of the circumstances surrounding the particular commodity, without injuring the American fruit grower.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. EDGE. I yield.

Mr. WALSH of Massachusetts. Will the Senator permit me to supplement his answer to the question put to him by the Senator from California?

Mr. EDGE. I yield to the Senator from Massachusetts for that purpose.

Mr. WALSH of Massachusetts. I read from the brief filed by the National Preservers' Association. It states that—

The imported cherries are produced in Italy almost entirely from a variety of trees which are not cultivated. The result is a small, tough cherry capable of withstanding the brining, washing, and processing employed in the manufacture of maraschino cherries.

On the other hand, western cherries are grown in orchards which are cultivated and pruned to produce the largest and most tender fruit possible, for canning and the fresh-fruit market.

More than 50 per cent of the maraschino cherries manufactured in this country are of the small size such as are produced only in Italy, and are used by the confectionery industry for dipping purposes. Confectioners can not use the western large cherry, and even on the Pacific coast, in the heart of the cherry-producing districts, confectioners buy the imported fruit.

Mr. JOHNSON. Mr. President, I want to take just one moment to illustrate the idea of the protective principle which some distinguished gentlemen upon this side of the Chamber seem to have. Protection, sir, with some of us is a principle; protection with some others of us seems to depend entirely upon the question of whether within shotgun distance of where we live there may be an importer from Italy or some other place or some sort of a canning institution. The principle of protection with the gentlemen of the latter class immediately becomes an iridescent dream when in any degree it conflicts with the profits of an importer or with the profits of some manufacturer.

That is not the conception that men of the West have of the principle of protection, but I call to the attention of the Senate that it is obviously the idea of protection that rests in the minds of some of the gentlemen who have presented this bill to this Chamber on behalf of the Finance Committee.

Answering what has been said by some of these gentlemen, let me say, first, that every single argument advanced here was advanced to the Tariff Commission when the Tariff Commission

asked that the flexible provisions of the tariff should be invoked in behalf of the cherry industry. At that time the Tariff Commission found, just as the Department of Agriculture had found, that the allegations made as to the domestic cherry, its size, its color, its quality—all such allegations were unfounded, in fact.

In the House hearings in the volume which has been given us concerning the tariff bill we find at page 3663 this statement:

Testimony given in the public hearing held by the United States Tariff Commission on June 28, 1927, showed that domestic Royal Anne cherries had been virtually eliminated from the eastern consuming areas for maraschino purposes, due to the fact that maraschino manufacturers could purchase the Italian cherries at a lower price.

That is all there is in this contest—whether the eastern manufacturers, represented by some distinguished gentlemen upon the Finance Committee who prate of protection, shall be able to purchase at a lower price something from abroad.

Resuming the quotation from the hearings, I read as follows:

Representative of the importers sought to give the impression that the domestic cherry growers could not produce the small type of cherry desired for the manufacturing industry, and that this was the reason why they purchased Italian instead of domestic cherries. These claims were shown to be entirely inaccurate, and it was shown conclusively that the domestic cherry growers could produce the small-size cherries in very large quantities, that they had not done so heretofore because of their inability to compete with the cheap Italian product, that they had had to specialize in the production of the large cherries because of this destructive competition from Italy in the lower grade product, and that the domestic Royal Anne is in every respect equal to if not superior to the Italian Royal Anne cherries for the manufacture of maraschino cherries.

That answers at least the argument we have heard here. Doctor Taylor, of the Bureau of Plant Industry of the United States Department of Agriculture, attests the same fact in respect to the quality of the domestic cherries.

So, sir, we have here an industry in five great States of the Union, an industry of those who till the soil and who raise from it certain of the products of the soil, and we find that industry coming in conflict with the Italian production under circumstances which enable the foreign production to be sold cheaper than the production here, and then we find, sir, certain gentlemen, who are alleging that they are high protectionists, endeavoring to aid the Italian production and practically destroying the American industry. That is the contest; that is all that is presented upon this matter.

Mr. EDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Jersey?

Mr. JOHNSON. I yield.

Mr. EDGE. I tried to follow the Senator, but was interrupted. Let me call the attention of the Senator to the fact that in the special report of the Tariff Commission on cherries, page 7, there is a paragraph which emphasizes the argument I endeavored to make. I quote as follows:

The domestic cherries marketed for sulphuring and brining ordinarily range in size from 600 to 700 cherries to the gallon. Of the imported cherries approximately 50 per cent are about the same size as the domestic; the remaining 50 per cent are smaller—

Meaning smaller than the domestic cherry—

ranging in size from 1,000 to 1,400 to the gallon. For certain uses, such as chocolate confections, eastern manufacturers use the small-size cherry supplied entirely by imports from Italy.

It appealed to me, as I attempted to present, that that was not a serious form of competition. If the Senator will permit me one word more, let me say that if the inference is to be drawn from his general remarks that members of the Finance Committee were only interested in sectional considerations, he is very unjust. I am sure I can refer to his own colleague who sat on the committee in the statement I am about to make, that if there are three items in the entire agricultural schedule for which increased rates were proposed that I did not vote for, I should like to have them pointed out on the floor.

Mr. JOHNSON. Of course, I know nothing about what took place in the Senate Finance Committee.

Mr. EDGE. I thought the Senator would like to have the facts.

Mr. JOHNSON. I am speaking of what is right here before us now.

Mr. EDGE. I am perfectly ready to defend my position as to cherries, because I am convinced the cherry producer is asking for more than he really needs for proper protection.

Mr. JOHNSON. Yes; which is in conflict with the Tariff Commission and the Tariff Commission recommendations——

Mr. EDGE. Not at all.

Mr. JOHNSON. Which is in conflict with every farm organization recommendation.

Mr. EDGE. Not according to the paragraph which I have read.

Mr. JOHNSON. The Senator is here speaking not the voice of the producer, not the voice of the individual who from the soil brings forth that which with toil may be brought forth from the soil. He is not speaking now from the standpoint of the American manufacturer of a product that must be protected to enable it to compete with something abroad; he is speaking to-day from the standpoint of the Italian importer and from the Italian importer's standpoint alone.

Mr. EDGE. Mr. President, if the Senator will yield further—and I do not care to interrupt him if it is objectionable to him—the difference is that in this particular case, if I read the report of the Tariff Commission correctly, the American fruit grower, who, as the Senator suggests, produces from the soil by his toil, does not produce from the soil in any marketable quantities the particular type to which this paragraph is directed.

Mr. JOHNSON. He does——

Mr. EDGE. I should like the Senator to give us those proofs.

Mr. JOHNSON. Wait a moment, now. He does; and the only reason why his production has not been greater, as I have read from the hearings, is because of the destructive competition that comes from the Italian cherry—that, and that alone.

When the Senator stands up here and asks for protection for an industry of his State, why does he ask it? He asks it because that industry is unable to compete with conditions abroad and because of the difference in cost of production at home and abroad.

Mr. EDGE. Mr. President, I have heard these generalities. If the Senator can demonstrate to the Senate where the American fruit producer is raising this small type of cherry in quantity in this country, then there will be something to back up his generalities. I have yet to hear where they are raised or produced.

Mr. JOHNSON. The testimony demonstrates that 30 per cent of the cherries raised in the States that have been indicated here as cherry-raising States practically go to waste because it is impossible for that 30 per cent to compete with what transpires abroad, and the importation of the cheaper article from abroad. That was demonstrated before the Tariff Commission; and when the President raised the rate upon cherries after hearing by the Tariff Commission he raised it as far as he could, but not as far as it ought to be raised, as all the hearings before the Tariff Commission will demonstrate. It is the same old contest that is presented here—that is all—the contest between the American producer on the one hand and the American who imports and wants to make more money from importation of that which is cheaply raised and produced abroad, upon the other; and it does not lie in the mouth of those who constitute themselves the voice of protection in the Senate to deny to the American producer under those circumstances his full meed of protection.

Mr. COPELAND. Mr. President, I have listened with the greatest interest, as I always do, to the eloquence of my friend from California [Mr. JOHNSON]; but all the facts are against him, if I may say so.

We are not dealing here with a cherry which is in its natural state. If we were, I should say at once that the finest cherries grown are those produced on the Pacific coast; but that is the very trouble with them, Mr. President. They are too fine and too big for this processing. Therefore it has been found necessary by the confectioners, the ice-cream makers, and the pastry makers to find a smaller-sized cherry suitable for this particular processing; and after going all over this country, and even striving in Michigan to find a cherry there, the Michigan fruit growers state:

We * * * regret to tell you that there is a very small production of white sweet cherries in Michigan. In fact, the supply is so limited that it would not be of interest to you from the manufacturing standpoint.

It is likewise true that the cherries grown in California are too big for this sort of processing.

I would not have the idea prevail in the Senate, either, that this is simply a question between the importers and the natural fruit growers of the Pacific coast or elsewhere. As I said last night, this cherry needed for preparation as a maraschino cherry is in a sense a raw product. We have invested in the United States $15,000,000 in the business of processing these cherries brought from abroad. If it is the desire of the Senate to destroy this industry, and, by destroying it, to attempt to bring into use a cherry absolutely unsuited for this purpose, the movement will fail.

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

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. COPELAND. With pleasure.

Mr. NcNARY. It is a pitiful plea, of course, to speak of the destruction of property. That goes upon the theory that these cherries can not be produced elsewhere than in Italy. That is a wrong assumption upon which to base an argument. The same cherry about which the Senator speaks that can be processed in these plants can be found in Michigan, Wisconsin, Oregon, Idaho, California, and Washington. If that is not so, we must disbelieve the report of the Tariff Commission and the very patient and exhaustive examination and report made by Doctor Taylor, Chief of the Bureau of Plant Industry, in the Department of Agriculture.

We must accept, and I think in all candor the able Senator from New York will concede, the great ability of Doctor Taylor. We will not question his examination, nor the capacity of the experts in the Tariff Commission. Consequently, if those cherries can be produced in the West and in the Lake States, there will be no confiscation of properties invested in New York and other large centers where the maraschino processing is undertaken.

Mr. COPELAND. I thank the Senator for his comments. Is he familiar with the Salem Cherry Growers' Association, of Salem, Oreg.?

Mr. McNARY. Yes; I am quite familiar with it.

Mr. COPELAND. The president of that organization says:

Outside of these, there are none in Oregon except a few barrels that one party has who puts up a few culls as a by-product which they use in candy and their crushed fruit.

By using a few of these experimentally each year for a period of years you can determine for yourselves their suitability for your business.

Mr. McNARY. Mr. President, it is true—and that is why I feel very impersonal about the matter—that very few of this size are raised in Oregon. Great quantities are raised in other States. On account of the delightful soil of the State which I in part represent we raise an unusually large cherry, which is shipped for fresh use throughout the East, known as the Bing and Lambert, and the luscious Royal Anne, of a superior type, that are used for canning purposes. Consequently I want to forget the town which is close to my home, and the State itself. I am speaking about the products that are raised in other States by thousands of growers, who have millions of dollars invested, who can produce the very identical small cherry that comes from Italy, but can not compete on account of our costs in America and in the development of the American orchard.

If I may add this—I do not want to take the Senator's time; I spoke on the subject briefly last evening on behalf of the amendment offered by the Senator from California—it costs a great deal of money to develop a bearing commercial cherry orchard; probably a thousand dollars an acre.

A great many people are employed in the picking of the fruit and in its processing; and when the testimony indisputably shows that 30 per cent of the crop raised in California, sufficient to meet the demands of the maraschino market, is not sold because of the ruinous competition along the Atlantic seaboard from cherries carelessly and without great cost raised in Italy, then the argument of the able Senator must fall if he accepts the indisputable facts laid down by the Department of Agriculture and the Tariff Commission.

Mr. SHORTRIDGE and Mr. DILL addressed the Chair.

The PRESIDENT. To whom does the Senator from New York yield?

Mr. COPELAND. I yield to the Senator from California.

Mr. SHORTRIDGE. At this stage I merely wish to ask the Senator if he is acquainted with Dr. U. P. Hedrick, director of the New York State Agricultural Experiment Station.

Mr. COPELAND. Yes.

Mr. SHORTRIDGE. I have here a letter from him as of date September 17, 1929, to which I will call attention in a moment, or will read it now, if the Senator will permit me.

Mr. COPELAND. I shall be glad to have it read.

Mr. SHORTRIDGE. I may say to my friend that it is in answer to the contention that we do not produce cherries of the proper quality or size. As stated here a moment ago by my colleague [Mr. JOHNSON], and repeated now by the Senator from Oregon, we can and we do raise these cherries in vast quantity and of excellent quality in Idaho, in Washington in Oregon, in California, and possibly to some extent in other States; but, as I shall show from Doctor Hedrick, of the New York Agricultural Experiment Station, addressed from Geneva, N. Y., September 17, 1929, the only reason why the Idaho, Oregon, Washington, California, and other cherries are not bought here in the eastern market is because of the cheaper cherries which come from Italy.

Those are the facts.

Mr. SACKETT. Mr. President, will the Senator yield a moment?

Mr. COPELAND. I yield.

Mr. SACKETT. I should like to ask the Senator from California to read that letter and let us see what it contains.

Mr. SHORTRIDGE. I will, if the Senator will permit me.

Mr. COPELAND. I yield for that purpose.

Mr. SHORTRIDGE. It is as follows:

GENEVA, N. Y., *September 17, 1929.*

I can say this with certainty: There are no reasons why American manufacturers of maraschino cherries should not use domestic fruit. The varieties of cherries grown in America are either the same or much the same as those grown in Italy. The domestic fruit is as well suited, if properly prepared—and it is easy to prepare them—for the making of maraschino cherries as that grown in Italy. Price is the only factor.

As long ago as 1914 I made a study of the manufacture of maraschino cherries in this country, and have been since then in Italy three times making similar studies.

Dr. U. P. HEDRICK,
Director New York State Agricultural Experiment Station.

Doctor Hedrick is a recognized authority on cherries, apricots, and peaches. His Cherries of New York is said to be a monumental piece of work.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. In connection with the letter which has just been read by the able Senator from California, I ask the clerk to read a letter from the First National Stores (Inc.) in which they state the effect of this proposed duty upon the consuming public, and give their views as to the qualities of the domestic and imported cherry.

The PRESIDENT pro tempore. With the assent of the Senator from New York, and without objection, the clerk will read the letter.

The legislative clerk read as follows:

SOMERVILLE, MASS., *August 15, 1929.*

Hon. DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR: Replying to your communication of the 7th, the increased cost of the products in which we use the cherries would be approximately 0.3 of a cent per pound. If the cake is sold by the loaf, as in most cases, the size would be reduced approximately 3 per cent to offset this additional cost; or if the price was advanced, it is obvious that 1 cent per pound must be added to the price, as the net profit in this cake is very limited, and in this case the increased cost to the consumer would be 5 per cent.

From what we have learned of the situation, this particular increased tariff applying to cherries seems quite needless. Our domestic growers have not, and apparently can not, produce a cherry that can be offered in competition or compare favorably with the imported cherry where they are used for baking purposes. The imported cherries that we use are brought into the country green, treated to a sulphur bleach, and then artificially colored and flavored. When packed in sirup, the imported cherries will not lose their color, flavor, or body. The domestic type, when used in cake mixes, as soon as heat is applied in the oven, have a tendency to darken and shrivel, and therefore their appearance in the cake is not at all attractive. They do not eat well, becoming tough and tasteless.

At no time within my recollection or the recollection of our bakery management have we ever been offered any domestic cherries for this purpose, and while, no doubt, the tariff as written may include cherries used for other purposes, we can only speak of conditions as they apply to us and to our concerns.

I wish to thank you very much for the interest you have taken, and trust this information will assist you in arriving at a fair conclusion.

Yours very truly,

FIRST NATIONAL STORES (INC.),
C. F. ADAMS, *Treasurer.*

P. S.—Buns are sold by the dozen. The result would be that buns retailing for 15 cents would sell for 16 cents, or the weight would be reduced similar in amount to the weight reduced in cake. Cherries are more particularly used in cake than in buns. We use them in cake entirely.

Mr. WALSH of Massachusetts. I thank the Senator from New York for yielding.

Mr. COPELAND. I thank the Senator from Massachusetts for presenting this letter. It harmonizes with dozens of similar letters I have had from merchants in my State.

I suppose if my State produced this sort of cherry, since the tariff is a local issue, I would be taking a different position. As it is, I think I am representing the consuming public of this country in what I say.

The trouble with the plea made by the Senators from California is that they hope that some time they may supply a cherry which will be suitable for this use. At the present time they do not.

I want to quote from the hearings before the United States Tariff Commission, and I hope Senators who are at all interested will listen to this brief paragraph:

More than 50 per cent of the maraschino cherries used in the United States are consumed in the ice cream and confectionery industries, which require small-sized cherries. The imported cherries are from trees which are not cultivated.

I wish the Senator from California would listen to this. There are no wild cherry trees in California where this particular sort of cherry might be found. May I have the attention of the junior Senator from California?

The PRESIDENT pro tempore. The Senator from New York invites the attention of the junior Senator from California.

Mr. SHORTRIDGE. I am giving the Senator my undivided attention.

Mr. COPELAND. I thank the Senator. As I said, I am reading from a document of the United States Tariff Commission.

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

Mr. COPELAND. I yield.

Mr. DILL. I just want to ask the Senator whether he expects the American cherry producer to be able to show a production in competition with cherry trees that are growing wild in Italy?

Mr. COPELAND. No.

Mr. DILL. That is the argument. The Senator takes the fact that we do not to-day produce these little cherries as a reason why we should not put a tariff on and keep out the cheap cherries, when the truth of the matter is that the reason we do not produce them is that they are in competition with trees that grow wild.

Mr. COPELAND. Should we plant a lot of wild cherry trees in the country so that we can raise in the United States some wild cherries?

Mr. DILL. No. The tariff on cherries in this case will do what it always does; it will increase the cost of the maraschino cherries. There is no question about that, if it goes on.

Mr. COPELAND. Mr. President, let me say to the Senator from Washington, my dear friend, that the people in his country can not raise, with their fine soil, a cherry small enough for this use. His State is like the State of California. I heard a man telling about California at one time. He was one of those enthusiastic Californians. "Why," he said, pointing to the great trees out there and referring to all the other products of the soil of the Pacific coast, "We can raise everything here of great size except pumpkins. We can not do anything with them because the vines grow so fast that they wear the pumpkins out dragging them across the field." That is the trouble with the soil of the Pacific coast. It is not suited for the growth of this kind of cherry. The cherries are too big and too fine and too luscious and too delicious in every way for use as a maraschino cherry.

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

Mr. COPELAND. I yield.

Mr. DILL. Of course that applies to the kind of cherries we put on the market there, but if the Senator were in the western country at the time the cherries are ripening he would find here and there cherry trees where the small cherries are allowed to fall off and lie on the ground and rot by tons because we can not get enough for them. We can raise the small cherry, as well as the big cherry, but we do not do it because it does not pay.

Mr. COPELAND. If I were out on the Pacific coast and wanted to buy some fruit, I could not buy it because I would not have money enough. You can not buy in the markets of California, Washington, and Oregon any of these fine fruits. So that the only kind of fruit I could buy would be these culls, these droppings.

Mr. DILL. No; the Senator would not have to buy them; he could go and gather them for nothing.

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

Mr. COPELAND. I yield.

Mr. SHORTRIDGE. I want to relieve the Senator's mind upon that subject. If he would do us the honor to come to the city by the Golden Gate, he could there get from the Lyons-Magnus Co., or Townsends, or Sussman, Wormser & Co. the finest maraschino cherries in the world. They are made from California cherries. These maraschino cherries are equal to any in the world, it is conceded. The Senator from Washington has put his finger on the very point. We raise these small cherries now in abundant quantity, but they are not canned, and we have no market for them, for the reason pointed out. We can raise them; we do raise them. I have affidavits and statements here showing the acreage and the vast percentage of the total crop which goes to waste because of no market. That is the case.

Mr. COPELAND. Mr. President, the able Senator from California has just spoken about the reasons pointed out why these western cherries are not used, but the chief reason pointed out is this—and I quote from the Tariff Commission:

Efforts have been made by eastern manufacturers of maraschino cherries to utilize the domestic western cherry for maraschino purposes. They have been found to be too soft, very difficult to pick, and the process produces an extensive amount of breakage and shrinkage.

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

Mr. COPELAND. I yield.

Mr. SHORTRIDGE. If the Senator will permit, I will read from the United States Tariff Commission report to the President on this subject, page 7 of that report:

There is no substantial difference between the imported and domestic cherry in firmness of flesh, taste, or color. Nor is there any difference in the methods of manufacture used in making maraschino and glacé cherries, whether the raw material be domestic or imported cherries.

Mr. COPELAND. May I ask the Senator from California, is the State of California prepared to supply all the cherries needed for maraschino purposes?

Mr. SHORTRIDGE. I really think that California alone could do so.

Mr. COPELAND. I say, can California do so?

Mr. SHORTRIDGE. I think California can, but assuredly California, Washington, Idaho, and Oregon can.

Mr. COPELAND. Can these States do so, not will they in the future?

Mr. SHORTRIDGE. We can.

Mr. COPELAND. That is contrary to all the testimony. Of course, I know the Senator is stating exactly what he believes to be the fact.

Mr. SHORTRIDGE. I am reading right here now from the report of the Tariff Commission, which spent weeks and perhaps months in an intensive study of the facts. They did not indulge in speech making or oratory, or attempt to play politics; nor are we doing so. But they looked at the facts, and that is the conclusion they reached.

If the Senator will permit me—and I am offending against what I have preached, namely, taking up the time of the Senate—I have affidavits here from growers and from manufacturers throughout California to the two points which go to questions of fact, first, as to quality; second, as to quantity; and why there are large, softer cherries, and why smaller and firmer cherries.

The reasons for that are known. The reasons are very simple. If you prune a tree, if you cultivate it and irrigate it, the result, of course, is a larger, and, in a sense, a softer cherry. If you do not prune it, or if you suffer it to grow without irrigation through the long dry summer months, of course, the cherry is smaller and firmer.

The only question of fact, if I may once more emphasize it, is this, do we now and can we continue to raise a cherry adapted for the purpose in mind, for a maraschino cherry?

It is a question of fact, not of argument, not of pretense, not of opinion, but an ultimate question of fact, and we take this position, that we can and we do raise that kind of cherry, but the local market in California for maraschino cherries is limited. We can not reach the eastern market for the reasons that have been pointed out here again and again and again, namely, the importation of the cheap Italian cherries.

Mr. COPELAND. I have been in California many times, and I hope to go again some time; I do not know that I will be very welcome there. But I have looked with appreciation upon the fine orchards of that State and of the States of Oregon and Washington. The enterprising citizens of those States have produced the most beautiful fruit known to man. It does not have a flavor equal to that of the New York fruit, but as far as beauty of appearance is concerned, it is the finest appearing fruit grown. But that is the trouble with the whole business, the fruit is so big and so soft and so juicy that it is not suited to the manufacturing processes necessary to make what is known as the maraschino cherry.

The testimony of those who appeared before the Finance Committee is unmistakable on this subject. We must assume that those men were telling the truth. They are representative business men of this country, and I should not for a moment question their veracity. Let me show the statement made by

George McGowan, of New York City. He was on the witness stand, and Senator WATSON said:

What do you represent?

He said:

National Preservers' Association.

Mr. President, I would like to have the attention of the Senators from Illinois for a moment.

The PRESIDENT pro tempore. The Senator from New York invites the attention of the Senators from Illinois.

Mr. COPELAND. When Mr. George McGowan, of the National Preservers' Association, was before the Finance Committee, Senator WATSON said:

Whom do you represent?

Mr. McGowan said:

My company is Henry H. Schufeldt Co., with plants at Peoria, Ill. I am here on behalf of 26 manufacturers of maraschino cherries and glacé fruit.

Here is an interesting colloquy between the Senator from California and this witness, Mr. McGowan:

Senator SHORTRIDGE. You want to buy your cherries from Italy?

Mr. MCGOWAN. We must buy our cherries from Italy because it is the only place we can get the type of cherry we want. We can not get them in this country.

Senator SHORTRIDGE. Why not?

Mr. MCGOWAN. They are not raised; that is, our type of cherry.

Senator SHORTRIDGE. What is the type?

Mr. MCGOWAN. If you will let me tell my story I will get it across.

Senator SHORTRIDGE. Answer that, please. What is the kind of cherry?

Mr. MCGOWAN. Fifty to sixty per cent of our requirement is the small dipping cherry that goes into the center of a piece of candy. And we can not get it in this country.

Senator SHORTRIDGE. You can not?

Mr. MCGOWAN. No.

Senator SHORTRIDGE. What other kinds of pitted cherries raised in America are on the market?

Mr. MCGOWAN. I do not know of any. Such an industry is nonexistent in this country.

Senator SHORTRIDGE. What kind of pitted cherries do they raise in California?

Mr. MCGOWAN. It is very delightful for eating purposes or canned dessert purposes, but not for our purposes. It is too soft and too large.

As I said a little while ago, the cherries which are used in making the fruit juices and making what are known as maraschino cherries come from trees which are not cultivated and which produce cherries of a relatively tough texture and small size. Those of use who have eaten these cherries out of confectionery—of course we have never taken them anywhere else for any purpose—know that they are a brittle, tough, or semi-tough sort of thing. It is something to bite upon. It is entirely different from the soft, juicy cherry raised on the Pacific coast and raised in my own State. The imported cherries are from trees which are not cultivated and which produce cherries of a relatively tough texture and small size.

I know how useless it is to discuss this matter. I know that all the amendments which have been dictated will be adopted, no matter what some of us who are representing the consuming public may have to say. But I think it is too bad that in our mistaken effort—and in this connection I must say our mistaken effort—to help the farmer we are going so far as to impose another tax upon the already overburdened consumer. Have Senators no thought at all for the people who go out and buy this product, for the children who buy the confectionery and ice cream where the maraschino cherries are used? Have Senators no thought of them? Must they consider only the time when possibly there may be grown in the United States trees which will produce this type of cherry? They are not grown here now. That is the testimony of all the persons who have come before the Finance Committee and before the Tariff Commission. Those cherries are not produced in this country.

What shall it profit the farmers of America if this added burden is placed upon the consumer? I will go as far as any Senator here in legitimate efforts to aid the farmer. I have demonstrated that time after time by my votes here for farm bills. But I represent also a great consuming public. We have a right to be thought of in connection with the passage of this bill, and I plead with Senators to consider the consumers when they pass upon these amendments.

Mr. SHORTRIDGE. Mr. President, last evening when this item was reached I suggested that a determination of the controversial amendments involved a question of fact as well, perhaps, as an explanation concerning the meaning of the language employed in the section. I repeat that now. The whole difference of opinion grows out of a question of fact or the existence or nonexistence of a fact. The whole argument in favor of the imported Italian cherry was and is based upon the contention that the Italian cherry is of such quality as to be more desirable, more excellent, better than any cherry grown in the United States. Secondly, it has been argued that we do not and we can not produce in quantity the type of cherry the market or the people demand.

I could consume hours in the reading of affidavits or sworn testimony as to the point of quality. I could consume even longer time in reading affidavits as to the American production in quantity. Because of the situation I propose to limit myself and make this statement, supported, as I assert it to be, by affidavits and testimony found in the records before us.

I content myself by making the statement that in the States so many times mentioned, Idaho, Washington, Oregon, and California, we are raising and producing vast quantities of cherries. They may be divided into two types, measured by size. The larger cherry is used for canning purposes. No one will question its quality. It may be called the canning cherry, not now involved in this question. We raise vast quantities of the smaller cherry. Why do we not use it, convert it into the maraschino cherry? The reason is very simple. We do use a certain percentage of the small cherry in the West, but we can not enter the eastern market. Why? Because of the cheaper imported small Italian cherry.

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

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Ohio?

Mr. SHORTRIDGE. I yield.

Mr. FESS. That same argument and situation obtains with reference to cherries that are grown in Michigan and Ohio and elsewhere.

Mr. SHORTRIDGE. I think so.

Mr. FESS. It was so shown at the hearings.

Mr. SHORTRIDGE. Yes.

Mr. FESS. If the Senator will permit me, the Senator will recall in the hearings the statement of a Cleveland producer, who stated, in reference to the ability to produce them in the East, that in addition to the large acreage already growing and that portion not yet bearing the nurseries report sales of 480,000 trees, which would seed 25,000 acres, so it would appear to me that not only the West would be interested, but other sections.

Mr. SHORTRIDGE. I said a moment ago there were other States than those I mentioned where these cherries are raised. I have here letters from Michigan, where they raise as fine cherries as can be raised in the world.

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

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Michigan?

Mr. SHORTRIDGE. I yield.

Mr. COUZENS. I would like to read a paragraph from a letter which I received from the Leelanau County Cherry Growers' Institute, of Northport, Mich., as follows:

In 1928, however, the harvest of imported cherries was short and the price rose to a level sufficiently high to cover the cost of production in this section. When this condition developed it was found that new methods of manipulation made it possible to use our cherries. Consequently a new market was opened to us and we are quite pleased with the protection the House bill proposes to provide.

Mr. SHORTRIDGE. Exactly.

Mr. FESS. It seems to me the argument presented is certainly a sound protective argument.

Mr. SHORTRIDGE. I think so. Some question was raised by the distinguished Senator from New York [Mr. COPELAND] as to the quality of the American small cherry. As bearing directly on that question I ask to have inserted in the RECORD a letter from Townsends (Inc.), also a letter from Lyons-Magnus (Inc.), and also a letter from Sussman, Wormser & Co., each a user of the American cherry.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters are as follows:

SAN FRANCISCO, CALIF., *August 1, 1929.*

Mr. F. W. MADDOCKS,
San Francisco, Calif.

DEAR SIR: You have asked me the question, Are California-grown cherries as good as Italian cherries for glacé fruits and for use in manufacture or confections?

Permit me, Mr. Maddocks, to be frank and to the point in my answer. From my experience—which covers the past 27 years—in the manufacture of candy, cocktail cherries, and glacé cherries up to date no cherry produced anywhere is any better than California cherries for any purpose where a cherry is used.

The only reason to the best of my knowledge for Italian cherries ever entering our market is, first, low price that heretofore has been a prevailing factor, and second, where candy manufacturers were in keen competition and selling cherries dipped in chocolate by count more so than weight and in this field a small cherry was desirable, the Italian cherries being small, running from 1,000 to 1,450 count per gallon; as to quality they are not to be considered in the same class as California cherries, and cherries from many other sections of our country.

The cherries we now use for dipping are United States grown and price is the only factor that keeps us from using same cherries we process for glacé cherries.

The California cherries are firmer, finer textured, and a better flavor for any purpose.

We, as one of the very large cherry users, can not see anything but a political and unjust move on the part of some manufacturers who are more interested in price than anything else.

The only time we purchase Italian cherries is when price is low and use them for glacé cherry pieces, which has a big demand among pastry bakers.

California cherries in processing carry a very small percentage of waste when properly handled.

We are sending you for your inspection some Townsend's glacé cherries that are dipped in chocolate and we feel they will speak for themselves, when quality of a product is desired more so than price.

Trusting we have defined the subject to your satisfaction and hoping to hear of California's success in retaining a very wonderful industry—the growing and encouragement of growing cherries.

We remain yours very truly,

TOWNSEND'S (INC.),
R. C. THOMPSON,
Secretary.

SAN FRANCISCO, CALIF., *July 30, 1929.*

CALIFORNIA CHERRY GROWERS ASSOCIATION,
525 Market Street, San Francisco, Calif.

(Attention: Mr. Maddocks.)

It has come to our attention that certain eastern confectioners have made the statement that the western or California cherry is not suitable for confectionery use, either in its glacéd condition or in maraschino.

Please be advised that we have turned out glacéd and maraschino cherries for many years with practically our entire output consumed by manufacturing confectioners in the Western States. The western cherry in both forms has been highly satisfactory, and we do not doubt that you will find this the case if you will check up with any of the larger and better manufacturing confectioners.

We are sending you some samples of our maraschino cherries, as well as our glacé cherries, for your examination.

Cordially yours,

LYONS-MAGNUS (INC.),
Per J. C. TIEDERMAN.

SAN FRANCISCO, CALIF., *July 29, 1929.*

CALIFORNIA CHERRY GROWERS ASSOCIATION,
San Francisco, Calif.

GENTLEMEN: Confirming phone, we wish to advise you that we have manufactured and sold maraschino type cherries for a number of years, and all of these cherries, several hundred tons per year, have been California-grown cherries.

These cherries have been used for every purpose for which maraschino type cherries are used—bottled for consumer or family trade, in cans for the fruit-salad packer, and in cans and barrels for the ice cream, candy dipping, and confectionery trade in general. We hope this covers the information which you desire.

Yours very truly,

SUSSMAN, WORMSER & CO.,
CHARLES LACHMANN.

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

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from South Carolina?

Mr. SHORTRIDGE. I yield.

Mr. SMITH. I would like to understand the contention the Senator from California is making. He is claiming that there are already sufficient cherry orchards bearing the cherry under consideration, that there are sufficient trees in bearing now in Idaho, Washington, Oregon, and California to supply fully the American market; but that the reason why they do not do it is because the price is so low that it does not pay for the gathering and marketing of the cherry.

Mr. SHORTRIDGE. That is our contention.

Mr. SMITH. Of course, in an orchard of cherry trees or bearing fruit trees there is a period of maturity. But once they come into bearing, it is a perennial thing and they bear every year. It seems to me, the overhead costs having been already assumed in planting the orchard and bringing it to maturity, if there is existing in America to-day in the States mentioned orchards sufficiently large to produce in quality and in quantity sufficient cherries to meet the American demand, that there must be some tremendous expenses connected with the gathering and shipment of the cherries to our American market, because apparently the Italian can gather his cherries and send them here cheaper than we can gather them. I assume that, so far as the tree is concerned, there is very little cultivation necessary unless irrigation in the Senator's section of the country is required, and I presume it is not required to produce the kind of cherry that is under discussion. There must be some enormous expense connected with gathering and marketing that is not incident to the Italian situation.

Cherries are not a cultivated crop, such as grain or potatoes or similar products which are planted annually. The cherry trees do not need any replanting; when they reach the bearing age they bear indefinitely; the crop recurs every year, but much of it goes to waste because the demand is not sufficient to pay for simply gathering and shipping the crop.

Mr. SHORTRIDGE. Mr. President, I think I follow the Senator's thought. There is a large part of this crop that is gathered and devoted to canning purposes. As to the small cherries many of them go to waste. There is no market for them in the West.

Mr. SMITH. Let us consider that point right there.

Mr. SHORTRIDGE. There is expense involved in maintaining an orchard, particularly where irrigation is needed, and for the annual pruning, and so forth, and so forth.

Mr. SMITH. In the production of the smaller cherries I understand it is not necessary to go to as much expense as it would be to produce the larger cherries?

Mr. SHORTRIDGE. On the very same tree there are produced different sizes of cherries. The larger cherry is used for canning purposes, while the small cherry is discarded, it is not used for canning purposes. We are dealing with the small and discarded cherry.

Mr. SMITH. So that the same tree bears different types of cherries.

Mr. SHORTRIDGE. It may well be so expressed.

Mr. SMITH. And the culls, the small cherries, it does not pay to gather, even though the trees bear them annually. They, therefore, go to waste because of that fact.

Mr. SHORTRIDGE. There is no market for them.

Mr. SMITH. Well, there is a market for them.

Mr. SHORTRIDGE. There is a market for the larger and better quality.

Mr. SMITH. I am speaking now of the smaller type of cherry. There is a market for the Italian cherry.

Mr. SHORTRIDGE. Certainly; and that brings us to the crux of the whole question.

Mr. SMITH. That is the very point I am coming to. The main crop is the larger cherry. That is gathered and is profitable.

Mr. SHORTRIDGE. Yes.

Mr. SMITH. The culls or the smaller cherries, which are a by-product, go to waste, because the cost of gathering and shipping absorbs the profit.

Mr. SHORTRIDGE. They are not profitable because they can not compete with the Italian product which comes in and captures the eastern market. That is the whole question.

Mr. FESS. Mr. President, will the Senator from California yield there?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Ohio?

Mr. SHORTRIDGE. Certainly.

Mr. FESS. The Senator from South Carolina [Mr. SMITH], I think, in his statement that a crop of cherries is produced every year is wrong. The condition to which I am about to refer may obtain in relation to the growing of cherries in Italy or any country with which we are competing, although it may not be true in California, where there is an equable climate. In Michigan and Ohio, where the climate is changeable, we do not have fruit crops every year, though I presume there are fruit crops every year in a climate where there is no frost. In Ohio, however, last year our cherry crop was a total failure because of a late frost. The same thing will happen in various sections of the country. So that the statement of the Senator from South Carolina that when one plants his trees he gets his crop of cherries indefinitely, and that the only expense is to gather it, would not hold at all. In many orchards there will be three or four years without any crop, while the overhead constantly goes on.

Mr. SMITH. I understand that; but what was interesting me was this: In the peach orchards of the South the crop goes on, although there is an annual expense of cultivating the soil

and spraying the trees. The indifferent peaches, those that are not sent to the market as we have developed it, constitute a by-product which is sold locally. As to cherries there exists a condition that is even better than that, according to the statement of the Senator from California, for there is a market for cherries for canning purposes. There is no complaint being made here about that, and the smaller cherries seem to be in great demand, so much so that individuals come here and protest against any additional tariff in view of the fact that they import them from Italy.

Unless there is a difference in the quality, in the quantity, and in the nature of the cherry, I can not see why the American producers of cherries can not obtain a hold on the American market for the small cherry.

Mr. SHORTRIDGE. The answer is this, as stated by the official from the State of New York. The only factor is one of price. Buyers can get the smaller cherries cheaper from Italy; that is our grievance, that is the argument, and that is all, perhaps, that I should say or that needs to be said.

Mr. SMITH. It becomes the duty of every Senator here in voting to impose additional taxes to knew whether or not he is justified in doing it.

Mr. SHORTRIDGE. Precisely.

Mr. SMITH. Is it a fact that the character of the small cherry of which the Senator from California has been speaking is the same as the Italian cherry which the confectioners want?

Mr. SHORTRIDGE. I can answer that in one word, I will say to the Senator from South Carolina—yes.

I read a moment ago the conclusion of the Tariff Commission, which spent weeks and months studying this question when a petition was pending with the President to increase the rate of duty. And the result was that the President did raise the rate as far as the law permitted.

Mr. SMITH. I understand that the duty was raised 50 per cent under the flexible tariff provision.

Mr. SHORTRIDGE. The earnestness of the Senator from South Carolina prompts me to read it again in answer to his immediate question. It is as follows:

> There is no substantial difference between the imported and the domestic cherry in firmness of flesh, taste, or color; nor is there any difference in the methods of manufacture used in making maraschino and glacé cherries, whether the raw material be domestic or imported cherries.

They are the same type of cherry.

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

Mr. SHORTRIDGE. Yes.

Mr. SACKETT. The only point in that letter that is not covered is in relation to the size of the cherry. That is not covered.

Mr. SHORTRIDGE. They covered that in their report.

Mr. SACKETT. The point that has been made here is that there can not be obtained in this country cherries of the small size. The reason why the small-sized cherry is desired ought to be evident. Such cherries are used in the manufacture of candy. If the candy manufacturers were required to use a cherry the size of those grown in California, those beautiful cherries of the Queen Anne type, and put them into pieces of candy, it would be necessary to enlarge the mouths of the people of this country in order to get such candy in. The candy manufacturers want small cherries, and the whole point they are making is that they can not get small cherries in this country; that they are not produced here.

Mr. SHORTRIDGE. The only points which are raised, as we know, are as to size, quality, and quantity.

Mr. SACKETT. The other points are all agreed to.

Mr. SHORTRIDGE. We have met all those points, and it is only iteration and reiteration to make these statements.

Mr. SMITH. Mr. President, the Senator from Kentucky has raised another point. Is it a fact that California raises a cherry of the right size for candy production and in sufficient quantities to meet the demands of the American market? Does that State produce a cherry in size, quality, and quantity that can be used equally well as the Italian cherry?

Mr. SHORTRIDGE. Mr. President, in answer to the Senator, I will say that not only California——

Mr. SMITH. I mean the western group of States.

Mr. SHORTRIDGE. But Washington, Oregon, Idaho, Michigan, Ohio, in fact America, I undertake to say, can produce such cherries. In simple form I will answer the Senator's question, "Yes," as to size, quality, and quantity. I think that covers the three points. I submit the matter, Mr. President, in so far as I am concerned.

Mr. JONES. Mr. President, just a word. There can be no question about the unsuitability of the cherries raised on irrigated land for the purposes which have been mentioned. They are too large and in other respects are not suitable. However, I wish to say that, so far as Washington is concerned, in the western part of the State we produce a great many cherries and could produce a great many more that are suitable for the particular purpose. We have a factory or two near Tacoma, and they put up by the barrel these cherries, and I am informed that they are for the purposes for which maraschino cherries are used. So with proper encouragement we can increase our production along those lines very greatly.

In driving through northern Ohio two or three years ago I was really amazed at the new orchards apparently coming on, which were producing small cherries which, I assume, would be very suitable for these purposes.

Mr. WALSH of Massachusetts. Mr. President, the subject has been so extensively argued that I do not care to take the time of the Senate in discussing it further, but I should like to insert in the RECORD before the vote shall be taken some letters and press comments that I have received protesting against this duty and a brief summary prepared by me of the evidence submitted before the Finance Committee of the Senate.

The PRESIDENT pro tempore. Without objection, the matter referred to by the Senator from Massachusetts will be printed in the RECORD.

The matter referred to is as follows:

BRIEF ON PARAGRAPH 737 PREPARED BY SENATOR WALSH OF MASSACHUSETTS

CHERRIES IN THEIR NATURAL STATE

1. Act of 1922: Cherries in their natural state, 2 cents per pound.

House bill: Duty remains the same with the exception that the words "or dried" are added after state.

2. Act of 1922: Sulphured or in brine, 2 cents per pound. President's proclamation effective January 2, 1928—"cherries, sulphured or in brine, stemmed, or pitted, 3 cents per pound."

House bill changes: Sulphured or in brine, with stems and pits removed, 9½ cents per pound. With stems and pits, 5½ cents per pound.

The rates proposed by the Senate committee are: (1) Dried, desiccated, or evaporated, 6 cents per pound; (2) sulphured or in the brine in size more than 900 to the gallon, with pits 3 cents per pound, without 4 cents; (3) above 900, with pits 5½, without 9½ (same as House).

Facts

Royal Anne (sweet cherries) are practically the only kind sulphured and brined. These are grown mainly in California, Oregon, and Washington. Forty per cent of these crops are Royal Annes. Italy produces more cherries than any other foreign country. Prior to 1921, Italian cherries exported to the United States, sulphured or in brine, were with stems and pits, but beginning in 1921 they were, in part, stemmed and pitted. In recent years stemmed and pitted cherries, sulphured or in brine, have entirely supplanted those with stems and pits.

Domestic production

It is estimated that production in the States mentioned above is about 6,000,000 pounds of cherries annually. (See Tariff Summary, p. 1242.)

Imports

Year:	Pounds
1923	20,289,612
1924	7,474,623
1925	3,139,773
1926	3,431,501
1927 [1]	17,765,265
1928	2,351,335

Exports

There are no exports of domestic cherries, sulphured or in brine.

Costs of production (why not comparable)

Tariff commissioner (1928) found difference in cost of production between United States and Italy of 10.088 in favor of Italy.

However (1), the period in Italy in which the study was made was an abnormal one, since there was an unexpectedly large cherry crop and an increase of almost 70 per cent in the value of the lira made difficult the accurate determination of Italian costs of production of cherries, sulphured or in brine, stemmed or pitted; (2) cherry growing in Italy is not a specialized branch of agriculture; only a small proportion of the total crop is grown in orchards devoted exclusively to cherries (Tariff Commission Report, p. 8). Hence there is no established costs as in the United States, and hence no basis for comparison.

Other remarks

The respective increases are not warranted for the following reasons:

1. These advocates of such increases in duty do not produce the type, kind, or size of cherries required by the manufactures in the Eastern States, where most of the manufacturing is done, and increase in duties would not benefit the domestic grower of cherries, but would serve only to make the price of maraschino cherries prohibitive.

[1] Includes cherries sulphured or in brine, stemmed or pitted, Feb. 12 to Dec. 31.

2. Cherries produced by growers in Western States, who have asked for these increases, are not suitable either in texture or in size to the requirements of the maraschino cherry trade.

3. More than 50 per cent of the maraschino cherries used in the United States are consumed in the ice cream and confectionery industries, which require small-size cherries.

"The confectioners then are dependent absolutely on the imported cherries for their use in dipping, and any increase in duty must cause higher prices on their finished product to the consumer, without any benefit to the growers of domestic cherries, since theirs can not be used." (Quotation from letter to Senator WALSH from Kibbe Bros. Co., Springfield, Mass., dated June 18, 1929.) (There is a letter similar to this from Cox Confectionery Co., of Boston.)

4. Upon occasion the western domestic cherry has sold for less than the cost of the imported cherries.

One manufacturer in 1925 paid 20 cents per pound for the imported cherry and did not buy the western domestic selling at from 8 to 10 cents per pound (p. 4467, House).

MARASCHINO, CANDIED, CRYSTALLIZED, OR GLACÉ, PREPARED OR PRESERVED IN ANY MANNER

Act of 1922: 40 per cent ad valorem.

House bill: 5½ cents per pound and 40 per cent ad valorem.

The Senate committee proposed the same rates.

Facts

(1) Maraschino and glacé cherries are manufactured from sweet cherries. Raw material is usually cherries sulphured or in brine.

(2) No statistics of other foreign or domestic production are available.

(3) Imports are practically all from France.

	Pounds
1923 (Tariff Summary, p. 1243)	2,332,106
1926	15,320,513
1928	583,185

Competitive conditions

These cherries come largely to New York during the period October to January and are sold for the holiday trade. During this period domestic glacé cherries have difficulty in competing in that market because of preference for the imported.

Remarks

The maraschino and glacé cherries are merely the manufactured cherries from the natural or sulphured state. The eastern manufacturers import the raw cherries from Italy and manufacture them into maraschino and glacé cherries in preference to the California Royal Anne cherries. The increase proposed is indefensible.

[From the Journal of Commerce, New York, Saturday, October 26, 1929]

CHERRIES IN BRINE HIT BY TARIFF BILL—SAYS ITALIAN CHERRIES NON-COMPETITIVE WITH DOMESTIC PRODUCT

According to the national tariff committee of the Italian trade organizations throughout the United States, cherries in brine have been unduly hit in the present tariff revision. The committee adds that, "as is the case with several other products from Italy, Italian cherries are non-competitive with domestic products. This is due to their special texture and their small size, which are not produced in this country.

"American manufacturers of maraschino cherries, pastry makers, confectioners, and other similar industries must have Italian cherries and could not use the domestic article, so much so that even Pacific coast manufacturers, located right in the heart of the domestic cherry crop, must import them.

"The present rate for pitted cherries is 3 cents per pound. The House boosted it to over three times as much, to 9½ cents per pound, but the Senate Finance Committee has recommended that a rate of only 4 cents per pound be adopted for cherries in size over 900 to the gallon, in the evident intention to protect the domestic crop of large size cherries and at the same time help domestic manufacturers who must have small Italian cherries.

HIGH DUTY NO HELP TO FARMER

"Such aim, however, can not be reached even through such measures as adopted by the Senate. In fact, 900 count to the gallon would include medium cherries, which represent about 70 per cent of the total importation, and domestic manufacturers would therefore get very little relief.

"Furthermore, no mention has been made of broken and stained cherries, which are usually mixed with all sizes. Surely a broken fruit, which can be used only as cherry pieces, should not pay the same duty as whole cherries.

"It is also to be borne in mind that Italian cherries, owing to their special characteristics in texture and size and the way in which they are prepared for importation in this market, never restrained the consumption of the domestic products and never would compete in the marketing of the domestic crop. It is then evident that any increase over the present duty would be only illusory for the American farmer because it would not help him at all, while it would, at the same time, injure domestic manufacturers and American consumers of the Italian article.

AMERICAN EXPORTS WOULD BE INJURED

"Another very important point must not be lost sight of—that is, American manufacturers export a large quantity of their prepared goods in which Italian cherries enter and they would be unable to compete in the foreign markets with similar finished articles from other countries if the duty on cherries were made higher. It is then necessary to avoid this new obstacle on the path of American exporters, which would injure their business without giving any help to domestic growers of cherries.

"The present rate of duty of 3 cents per pound on pitted brined cherries is obviously the highest that can be demanded from any reasonable point of view and it should be maintained as it is."

HOLYOKE, MASS., *August 6, 1929.*

Senator DAVID I. WALSH,

Senate Office Building, Washington, D. C.

DEAR SIR: In the new tariff bill it has been proposed to raise the duty on broken cherry pieces from Italy from 3 cents to 9½ cents per pound.

The growers of cherries in this country would not benefit by an increase in tariff, because the cherries grown in Italy are the only ones which can properly be used for whole and broken cherries and glacé cherry pieces. The Italian cherries have a firm flesh, whereas cherries grown in the United States are very soft and watery, and after they are processed they are not much more than skins.

We hereby protest against an advance in the present duty on "broken hand-pitted cherries sulphured or in brine."

These cherries are used chiefly in the less expensive pieces of candy and in cakes, buns, and ice cream, and a high tariff would raise the cost of those articles to the consumer without benefiting the American producers.

We would also like to give our opinion with regard to the sugar situation. The bounty plan that Senator BORAH proposed in lieu of the proposed "sliding scale" tariff, in which the American sugar growers would benefit through some sort of reimbursement, meets with our approval. This seems to us to be the more logical way to solve the sugar-tariff problem. Both the American sugar growers and the ultimate consumers would at once be protected. An immense sum would be saved the American people yearly.

Inasmuch as only a small percentage of the sugar consumed in the United States is grown in this country, it would seem advisable to adopt the Borah plan.

Very truly yours,

LABELLE'S BAKERY,
ERNEST T. LANGELIER, *Proprietor.*

SPRINGFIELD, MASS., *June 18, 1929.*

Hon. DAVID I. WALSH,

Senate Office Building, Washington, D. C.

DEAR MR. WALSH: The inclosed confirmation of telegram we are sending you this morning is self-explanatory.

Supplementing it, permit us to emphasize the point that no domestic cherries are suitable for this purpose. The Pacific coast growers who sponsored this increase in duty are not at present producing, nor can they produce for years to come, and then not until methods of cultivation have been changed, a cherry small enough in size and of sufficiently firm texture to withstand the necessary processing.

Most of the small maraschino-type cherries used by confectioners are grown in Italy from trees which are not cultivated. The American-grown cherries are raised principally for eating fresh or after canning, and are so soft that they break badly in handling, besides being too large in size for chocolate dipping.

The confectioners, then, are dependent absolutely on the imported cherries for their use in dipping, and any increase in duty must cause higher prices on their finished product to the consumer without any benefit to the growers of domestic cherries, since theirs can not be used.

Yours truly,

KIBBE BROS. CO.,
By ALBERT B. SANDERSON,
Assistant Treasurer.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

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

The yeas and nays were not ordered.

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the committee.

The amendment was rejected.

Mr. SMOOT. Mr. President, I call the attention of the Senator from California to paragraph 737 on page 134, lines 21 and 22, in both of which lines the word "stems" is used. There is no necessity for that word being put in at those points. That word is not in the existing law, and I am told by the Tariff Commission that its insertion is not necessary at all. Whenever unstemmed cherries are shipped in barrels the stems may come

off in shipment. It is thought that the use of the word will cause some doubt in the administration of the law.

Mr. JOHNSON. Mr. President, that is exactly the amendment, however, that was prepared by the Tariff Commission for me.

Mr. SMOOT. They called my attention to it.

Mr. JOHNSON. I think we had better let the word remain in.

Mr. SMOOT. If the Senator wants the word to remain in, well and good; but, as I have said, when unstemmed cherries are shipped in a barrel the stems are likely to come off.

Mr. JOHNSON. I think the inclusion of the word will do no harm.

The PRESIDENT pro tempore. Does the Senator from Utah propose a further amendment in the committee amendment?

Mr. SMOOT. No. If the Senator from California desires the word to remain in, well and good; but I think it would be better to leave it out.

The PRESIDENT pro tempore. The clerk will state the next amendment.

The LEGISLATIVE CLERK. On page 135, line 8, after the word "glacé," it is supposed to insert "or frozen with sugar added," so as to read:

(5) Maraschino, candied, crystallized, or glacé, or frozen with sugar added, or prepared or preserved in any manner, 5½ cents per pound and 40 per cent ad valorem.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The next amendment was, on page 135, in paragraph 738, line 11, after the word "vinegar," to strike out "6 cents" and insert "8 cents," so as to read:

Vinegar, 8 cents per proof gallon.

The amendment was agreed to.

Mr. GILLETT. Mr. President, I understood from the Senator from Utah last night that the first amendment to be taken up this morning would be the one in paragraph 717 on page 128.

Mr. SMOOT. Mr. President, that is true. The Senator refers to the fish paragraph. It went over with the understanding that the Senator would be here this morning, and that we would take it up. So I should like very much to proceed with that paragraph.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 128, paragraph 717, in line 9, after the word "advanced," it is proposed to insert "(except that the fins may be removed)."

Mr. WALSH of Massachusetts. There is no objection to that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, in the same paragraph, on page 128, at the beginning of line 12, to strike out the word "pound" and insert "pound, except that from October 1 to May 1, both dates inclusive, the duty shall be one-half of 1 cent per pound."

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. GILLETT. Mr. President, I hope this amendment will not be adopted. I do not wish to take the time of the Senate, except just briefly to state the position in which this amendment leaves us.

The present law provides a duty of 1 cent a pound. The Senate agreed to a duty of 1 cent a pound, thereby practically admitting that that was the proper duty; but then they put in this clause saying that from October 1 to May 1 there should be a duty of only one-half a cent.

I can not see any reason for that amendment. It applies both to fresh fish and to frozen fish. Certainly as to frozen fish it is not reasonable to say that there shall be a seasonal duty, that there shall be less duty in the winter than in the summer.

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

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

Mr. GILLETT. Certainly.

Mr. HARRISON. As one member of the subcommittee, I was impressed with the fairness of the rate that was adopted by the House; and I do not think the rate that was recommended by the Senate committee ought to be adopted.

Mr. GILLETT. I am glad to hear that statement, Mr. President, and that will still more diminish the time I shall use.

I just wish to state that for frozen fish there obviously should be no seasonal difference, because frozen fish is just as good at one season as another; and that, by the way, probably is the future of all fish—that it will be frozen. It is a matter that is developing now so that frozen fish is becoming almost as good as fresh fish, and that in the future will be still further developed.

Now, as to the other phase of the subject——

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. GILLETT. I do.

Mr. FLETCHER. I think the Senator's position is sound. I am opposed to all these seasonal amendments.

Mr. GILLETT. With this general acquiescence, I think it will be prudent for me to yield the floor and not run the risk of antagonizing a Senate that is already with me.

Mr. COPELAND. Mr. President, the proposal before us is to strike out lines 12 and 13 on page 128.

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

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

Mr. COPELAND. I do.

Mr. GILLETT. That is the Senate committee amendment; and, of course, if we vote down the Senate committee amendment that will strike out those lines. That is just what I was asking.

Mr. COPELAND. Yes, Mr. President; I was aware of that. I have yet to be convinced that we should vote down this amendment. I feel lonesome in making a plea for the consumer. The consumer has a very sad time in this Chamber.

Fish is one of the most important protein foods. If I had my way, I would not have fish as a one-day-a-week food; I would have it an every-day-a-week food. It is one of the very best of human foods. We should do nothing, as I see it, to raise the cost of living for the people in the cities. Most of the large cities are along the Atlantic seaboard or on the other coast, the Pacific coast. Every time a tariff is placed upon fish it is a tax placed upon the American housewife.

I am not in full sympathy with this particular amendment. I wish the amendment were to make the rate half a cent at all seasons of the year, as it is proposed to do from October 1 to May 1; but, since it is impossible to have a whole loaf, I would not refuse half a loaf.

Mr. President, I am not going to take the time of the Senate. I know that our views are crystallized. No matter what argument may be brought forth, even if it were by a very wise and very eloquent man, it would have no effect; but once more I want to say that I am in complete opposition to every effort made here to increase materially the cost of living of the American people.

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

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

Mr. COPELAND. I yield.

Mr. SHORTRIDGE. Then would it not be better to wipe out all tariff duties and let the foreign products pour into America? If that argument is to be indulged in, why not strike down the factories and abandon the farms of America?

Mr. COPELAND. Mr. President, I am amazed that the Senator from California should ask the question. I am a protectionist. I always have been one. I have even been a Republican. I do not know what greater confession I can make. Of course, I believe in protection—a protection which seeks to protect the American laboring man and to equalize the difference in cost of production in America and Europe. I am an American citizen.

Mr. SACKETT. Mr. President, will the Senator yield to me to read a telegram right at that point?

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

Mr. COPELAND. I yield.

Mr. SACKETT. I want to read a telegram from W. H. Brown, secretary of the Fishermen's Union of the Atlantic, affiliated with the International Seamen's Union of America and the American Federation of Labor; and I want to read it just after the Senator's statement.

He says:

Twenty thousand fish men and their families will suffer material damage if tariff on fish is reduced in accordance with request made by Atlantic Coast Fisheries Corporation. This company, through purchase, is now in a position to control Canadian production of cod and haddock, and is bending every effort to convince Congress that their request is logical and best for the fishing industry of United States. Their position is absolutely selfish, and if their request is granted they will personally reap direct benefit in exact amount that fishing industry of the United States is damaged. Their cost-of-production figures are abso-

lutely unfair, since they bought their trawlers for almost nothing. We concur in brief and testimony of Massachusetts Fisheries Association and their representative. We request approval of Senate fishing schedule as in House bill 2667.

I thought, in connection with the Senator's statement as to the interests of the laboring man, that it was just as well to call attention to the telegram I have just read, which represents the fishermen upon the coasts of the United States—one of the most dangerous businesses that we have—and the interests of those men and their families in protecting themselves against the fisheries of the Canadian border.

This schedule has been a matter of considerable argument before the Finance Committee; and I take it that this effort to change the time in which these fish can be imported, and limit it to six months, is really but a subterfuge, because the same fish can be gathered at any point on the Canadian coast and reserved for shipment until the time of lower duty given in the bill.

I have no interest in fishing myself. I come from the center of the country; but this telegram—and I have others—was sent to me by the fishermen of this country, and I think it is worth reading to the Senate.

Mr. COPELAND. Now may I ask the Senator from Kentucky why he introduced that telegram at this point?

Mr. SACKETT. To try to defeat this amendment.

Mr. COPELAND. Is this a bludgeon to hold over my head that because the labor unions have taken a certain stand I can not support an amendment that has to do with the welfare of every housewife in America?

Mr. SACKETT. No; but the Senator made a statement, and I read him what the labor union had to say.

Mr. COPELAND. Mr. President, I need not stand here in this place to gain any favor with the labor unions of America. There is not a labor-union member in the United States but knows where I stand in regard to union labor. I have said time and time again that if I were a laboring man I would sit in the front seat of the union, because labor had no chance whatever in America until it did unionize and deal collectively with its problems. I do not need to defend any position I take before the labor-unionites of America. I am with them heart and soul, and they know it.

As regards this amendment, I said at the very beginning of my remarks that I was not enthusiastic for it, because it was only a seasonal affair; but I am in opposition to anything, regardless of those who favor it, if it is a further tax upon the poor. If you know anything about the consumption of fish, you know that it is a product which is used in the homes of the poor; so I am not going to be diverted from any views I hold by reason of the telegram read by the Senator from Kentucky.

I wish at this point to offset what the Senator has said, to insert in connection with my remarks a statement on Women and the Tariff, by the Women's Nonpartisan Fair Tariff Committee; and I commend this to the reading of the Senator from Kentucky, because there are more women in Kentucky than there are members of the fish union.

The VICE PRESIDENT. Without objection, the statement will be inserted in the RECORD.

The statement is as follows:

WOMEN AND THE TARIFF—NO. 2, FISH FILLETS, PARAGRAPH 717 (B)—SOME FACTS CONCERNING THE TARIFF ON FISH FILLETS

By Gertrude M. Duncan, Ph. D.

SOME FACTS ON FISH FILLETS

This committee has made an economic study of the fish industry of the United States and has come to the conclusion that there should be a fair tariff on fish, particularly fish fillets. (Tariff, par. 717 (b).) We recommend that the duty be 1½ cents per pound instead of 2½ cents per pound, as in the present law and the pending bill.

SUMMARY

After investigation we find that the fishing industry is apparently in a prosperous condition; production of fish, the raw material for fillets, is increasing; that imports of fillets are about 3 per cent or less of domestic consumption; that prices of fillets are increasing, due to the increasing demand and an inadequate supply. We therefore believe that the present tariff on fillets is almost an embargo, and the tariff can be reduced without having any harmful effects upon the fishing industry of the United States. On the other hand, the benefits derived by the housewife and the consuming public will be manifold.

DIETARY CHARACTERISTICS OF FILLETS

Fillets contain the finest delicacies found in foods, not only in palatability but in dietary characteristics. Fillets are, in general, easily digested and contain not only a complete array of the necessary proteins and fats but also of those substances of peculiar effectiveness in small quantities, such as iodine, manganese, copper, calcium, and phosphorus. According to a report published by the United States Bureau of Fisheries, it has been found that the death rate in the Great Lakes region and in the farm-belt area was much greater than along the Atlantic seaboard from goiter.

In order to prevent a prevalence of goiter by use of fillets, which contain iodine, and to keep our Nation healthy, Congress should encourage the consumption of fillets by having a fair tariff.

ECONOMICS OF THE FISH INDUSTRY

Everyone knows that the supply of fish is very irregular because of various factors entirely beyond the control of the fishermen or beyond the control of any human being. For example, this irregularity of supply is caused by storms, ocean currents, and the habits of the fish. On the other hand, the demand is irregular because of racial, sectarianism, and social customs of our inhabitants of the United States. In addition, there has been introduced the "fish fillet," which has revolutionized the business and caused the industry to become more stable.

WHAT IS A FILLET?

A fillet is the flesh of the fish that has been cut away from the backbone; thus each fish produces two fillets. In the trade we find they are sometimes sold with the skin on or off and either fresh or frozen. The most popular fillets on the market are fillets of sole and fillets of haddock.

Fillets have revolutionized the fish industry. Prior to 1921, when the fillet was introduced, fish were shipped out in "round" condition packed in ice, or in frozen condition, and for hundreds of years the housewife was forced to buy "round" fish and clean it herself. To-day she can buy a fillet which is neatly wrapped and thus does not have to bother about its preparation. It is, indeed, surprising to us to find that the fish industry did not introduce the fillet many hundreds of years ago.

Fillets are now sold in meat markets, grocery stores, and other similar retail houses throughout the entire United States. Now the housewife can purchase fillets any day of the week throughout the entire year.

STABILIZATION OF THE INDUSTRY

The wholesale trade in the United States, particularly in the Middle West, prefers to handle frozen fillets because they are not so perishable as the fresh fillets. Hence the industry has become more stable.

Upon investigation we find that the manufacturers of fillets are using up-to-date machinery and now freeze fillets in 35 to 60 minutes, whereas several years ago it required 36 hours to freeze fish. The time factor is very important because smaller ice crystals are formed when fillets are frozen rapidly, and consequently the proteins are not lost when the fillets are defrosted like they are when the fillets are frozen by the old method.

Price of fresh fillets fluctuates from day to day, due to the irregularity of the supply, but with the introduction of frozen fillets prices have tended to become more stable. On October 17, 1929, price of fillets f. o. b. Boston was 20 cents per pound and price in Halifax was 19½ cents per pound.

PRODUCTION

Upon investigation we find that the average annual production of fish in the United States is about 2,467,000,000 pounds, valued at $107,000,000, according to the United States Bureau of Fisheries. Certain species, however, are not suitable for filleting. The principal species suitable for filleting include, according to the United States Bureau of Fisheries, an average annual yield of about 648,000,000 pounds of salmon, 110,000,000 pounds of haddock, 101,000,000 pounds of cod, 56,000,000 pounds of flounders, 51,000,000 pounds of halibut, and various miscellaneous minor species. In other words, a large portion of the production is not suitable for filleting, due to the physical features of the fish; also, if all of the catch of salmon were made into fillets it would destroy the important salmon canning industry, where millions of dollars are already invested. We find that the consumption of fillets in the United States consist principally of haddock fillets, and, according to the Bureau of Fisheries' statistics, production has increased from 50,000 pounds in 1921 to 57,059,000 pounds in 1928. This tremendous increase is due to the popularity of this new product with the housewife.

The production of fillets in Canada of cod and haddock has increased from about 415,000 pounds in 1925 to only 3,316,400 pounds in 1927, according to the Dominion Bureau of Statistics. Production is also continuing to increase in Canada, and we find upon investigation that the Canadian housewife likewise enjoys buying fillets instead of "round" fish.

IMPORTS AND CONSUMPTION

According to the United States Tariff Commission imports of cod and haddock fillets from Canada have ranged from about 324,000 pounds in 1925 to 2,600,000 pounds in 1927. Imports are therefore less than 3 per cent of the apparent domestic consumption. The total Canadian production of fillets in 1928 was only 6 per cent of the consumption in the United States. Imports into the United States are limited according to the production in Canada. Imports of fresh or frozen cod and haddock, according to the Department of Commerce, were 1,244,000

pounds in 1925 but decreased to 830,000 pounds in 1928. Based upon the quantity of cod and haddock consumed in the United States, imports of the round fish, the raw material for fillets, are less than 1 per cent of consumption.

Imports of fresh or frozen fillets merely augment the domestic supply. According to the chart which shows production of the most popular fillet in the United States, consumption is increasing by leaps and bounds. If consumption is to continue to increase at the present rate, and if the housewife of the United States is to be furnished with fish at a reasonable price, it is logical to have a tariff which will be fair to the producers and at the same time fair to the millions of housewives which we represent.

PROSPERITY IN THE INDUSTRY

We have read with a great deal of interest the testimony of the representatives of the industry before the various committees in Congress and have noticed that they acknowledge their industry is in a prosperous condition, even those seeking a high duty admit prosperity. (See p. 249, Senate Finance Hearings, Schedule 7.) If those who seek to increase the duty will admit prosperity then we must assume that the tariff is too high. In order to substantiate the statements of the men representing the industry we have studied the financial statements of the two principal producers of fillets who manufacture about 50 per cent of the fillets find that during the past year these two companies earned approximately 16 per cent and 17 per cent upon their invested capital, which shows conclusively that the industry is in a healthy condition. (Atlantic Coast Fisheries Co. and Bay State Fisheries Co.)

In addition, the number of trips that the fishing vessels in the industry made to the fishing banks increased from 6,535 in 1923 to 10,162 in 1927, which leads us to believe that the increased demand in the United States for fillets is stimulating the efforts of the fishermen.

DEPLETION

There has been considerable talk during the past 50 years about depletion of our fisheries. We have come to the conclusion that the economic law of diminishing returns applies to the supply of fish. In order to protect our supply of fish so that we might conserve it, we believe it is to the interests of the housewife and public welfare to perpetuate the supply by controlling fishing and also by a fair tariff which will restrict depletion. We are not interested at this time in the conservation of the supply of fish, except to state that the supply of salmon in Alaska is being conserved by the United States Bureau of Fisheries, and that it was finally deemed necessary by the Governments of the United States and Canada to form an International Joint Commission to conserve the supply of halibut. We find that the production per unit of fishing gear of halibut was 300 pounds in 1906, but that in 1926, it had decreased to less than 50 pounds. The report of the commission says that it now requires six units of fishing gear to catch as many fish as one unit caught in 1906, which proves that the supply of halibut has become seriously depleted.

Another striking example of depletion is shown in our late fisheries. For example, sad as it may seem, production of ciscoes in the United States half of Lake Erie, according to United States Tariff Commission statistics, showed a production of 35,290,000 pounds in 1918, which had decreased to 2,350,000 pounds in 1927. It is evident that the supply of our fish can become commercially extinct, and in order to perpetuate the supply we must conserve the fisheries. The supply can partially be conserved by a fair tariff.

SCIENTIFIC RESEARCH

Although the fishing industry of the United States has been backward in adopting modern methods, we find that the universities, governmental bureaus, and even some of the commercial companies have done considerable scientific research with respect to fish. Their research has been confined to a study of the physio-chemical, biochemical, and biological nature of the fish, and a scientific study of the problems relating to rapid freezing. A portion of the industry now employs modern methods in manufacturing and merchandising the fillets.

BALANCE OF TRADE WITH CANADA

In 1928 the United States exported to Canada merchandise valued at $916,000,000, while imports during the same period were only $488,000,000. In this connection it may be noted that our exports consisted principally of manufactured products such as manufactures of iron and cotton and such other products as automobiles, fruits, and petroleum; our imports consisted principally of raw materials such as newsprint and wood pulp, lumber, and other miscellaneous items. Imports of fish from Canada consist of about 3 per cent of the total value of the imports of all products. In so far as we have a shortage of fish in the United States it is perfectly logical and reasonable to have a fair tariff upon these products, if a favorable balance of trade with a foreign country may be considered a criterion or measurement of the tariff.

COST OF PRODUCTION

1. Raw material costs: The costs of producing fish in Canada approximates costs in the United States. An official cost investigation by the United States Tariff Commission shows the difference in cost of production of halibut to be almost nil. With respect to fresh round cod and haddock the Canadian Government fishery statistics show that the Canadian fishermen received 1.86 and 1.79 for cod and haddock, respectively, in 1928, whereas the Canadian Government report, Fish, Record of Public Sittings 126, May 16, 1929, showed that it cost 2.18 cents per pound to land cod and haddock. We find that the Canadian fishermen must haul their fish from their isolated port to a distributing center and that such costs are not included in the original price.

Cost of raw material for fillets in the United States are given as 2.75 cents per pound, but we understand that this factor includes element of profit to the fishermen. As it requires about 2½ pounds of fish to make 1 pound of fillets the Canadian costs are 5.45 cents per pound and the approximate United States cost are 6.87 cents per pound, or a difference of 1.42 cents per pound.

2. Labor and storage costs: The statement has been made to us that the labor and cold-storage costs in Canada were one-half the costs in the United States. Upon investigation, we find that the storage costs in the United States are less than the storage costs in Canada in six of the principal markets, and furthermore, we find that the labor cost per pound of producing fillets in the United States and in Canada was 2.220 and 1.970 cents per pound, respectively.

3. Transportation rates: We have made a careful study of the transportation rates between the principal producing centers in the United States (Boston) and Canada (Halifax) to the principal consuming markets. The eastern markets are protected for higher transportation rates. For example, it costs 4.7 cents per pound more to ship from Halifax to Washington, D. C., than it does from Boston to Washington, D. C. However, in the western markets of the United States, we find that Halifax has an advantage of about two one-hundredths of a cent per pound, or a negligible factor.

WOMEN'S CLUBS

Attached herewith is a partial list of the women's clubs of the United States who have indorsed a fair tariff on fish. These clubs range in size from 10 to 200 members and are located in Maine, Florida, California, Washington State and in about 16 other States.

MEMBERSHIP OF OUR COMMITTEE

At present our committee is composed of more than 250 housewives, business, professional, social, and civic leaders who are presidents or officers of clubs representing more than 1,500,000 women.

Our committee was formed to protect the American housewife and the American home because women of the United States comprise more than 80 per cent of ultimate buyers of foodstuffs.

SIGNERS OF THE FISH TARIFF RESOLUTION

Half Century Club, I. F. Woodbury, president, New York.

Women's Republican Association of State of New York, Florence G. Fuick, recording secretary; Mrs. William Cunningham Story, president, New York.

National Patriotic Builders of America (Inc.), Florence G. Fuick, recording secretary; Mrs. William Cunningham Story, president; New York.

Winchester Woman's Club, Mrs. Haller Nunnelley, president, Winchester, Ky.

Greenfield Woman's Club, Vernie Holt, secretary, Greenfield, Vt.

Woman's Community Club, Nellie M. Whitcomb, secretary and treasurer, East Swanzet, N. H.

Woman's Community Club, Effie E. French, Helen W. Baker, Winthrop, Me.

Tuesday Musical Club, Mrs. J. T. Smith (Mrs. Eli Hertzberg), (president), San Antonio, Tex.

Tuesday Musical Club, Mrs. Eli Hertzberg, president, San Antonio, Tex.

Chaminade Choral Society, Mrs. Robert A. Newman, chairman, San Antonio, Tex.

The Tuesday Club, Myra L. Wells, secretary, Oakland, Me.

Conference Club of New York, Katheryn R. Hunt, secretary, New York.

New Century Club, Anna Jeshin Jones, president, Delmar, Del.

Clio Club, Regina Melvald, Presco, Iowa.

Woman's Club, Mrs. J. A. Nelson, secretary, Oakmont, Pa.

Woman's Club, Mrs. Verne D. Hawley, corresponding secretary, Barrington, Ill.

Woman's Club, Addie M. Wallace, president, East Hardwick, Vt.

Woman's Club, Minnie Peck, secretary, Logan, W. Va.

Dormont New Century Club, Mrs. J. N. Young, president, Dormont, Pa.

Neighborly Club, Elizabeth P. Shaw, secretary, Norfolk, Mass.

M. P. M. Club, Mary Carter, secretary, Brewer, Me.

Sorosis, Mrs. Katherine B. Hall, president, Madison, Me.

Vulcan Women's Club, Olga Bostrom, secretary, Norway, Mich.

Women's Civic League, Mrs. Fred Burton, president, Galveston, Tex.

Women's Club, legislative committee, Carlinville, Ill.

Mother's Club of Bayside, M. B. Schramm, Bayside, Long Island, N. Y.

Quabbin Club, Anna Rice Knight, secretary, Enfield, Mass.

Altrurian Club, Helen F. Campbell, president, Springfield, Vt.

Women's Society, Caledonian Hospital, Jean Isbister, corresponding secretary, Brooklyn, N. Y.

Uplift Club, Mrs. Harry L. Smith, president, Morrisville, Vt.

Timely Aid Society, Mrs. Nat Siegal, president; Mrs. Isidor Ables, secretary, New York City.

Parents' Club, Public School No. 89 (Queens), Lillie J. O'Hara, secretary, Elmhurst, N. Y.

Woman's Club, Mrs. Julia A. Bickford, secretary, Conway, N. H.

Catholic Woman's Club (Inc.), Mrs. T. G. McMahon, president, Utica, N. Y.

Woman's Club, Mrs. Charles B. Fear, president, Mamaroneck, N. Y.

Women's Philharmonic Society, Kate P. Roberts, secretary, New York City.

Woman's Club of Custard, Irma M. Faunce, corresponding secretary, Yonkers, N. Y.

Women's Civic Club, Mrs. G. W. Weston, president, New Albany, Ind.

Woman's Club, Agnes G. Parcells, corresponding secretary, White Bear Lake, Minn.

Sudbury Woman's Club, Miss Emily F. Willis, president, Sudbury, Mass.

Study Club, Lottie Munsell, secretary, Wells River, Vt.

Sisterhood of Temple Beth Emeth, Therese A. Fraad, secretary.

Study Club, Angie Mains, secretary, Mechanics Falls, Me.

Home Economics Club of Milwaukee, Milwaukee, Wis., Ella R. Birkhaeuser, president.

Associated Women Students, Pullman, Wash., Joan Bailey, president.

Fitchburg Woman's Club, Fitchburg, Mass., Hazel K. Wellington, president.

Glendora Woman's Club, Glendora, Calif., Ruth P. Kimball.

New Century Club, Mansfield, Mass., Mrs. Fred D. Monhouse, secretary.

United States Daughters of 1812, State of New York, Ilion, N. Y., Mrs. Frank D. Callan.

Coeur D'Alene Woman's Club, Coeur D'Alene, Idaho, Verna Covenby, secretary.

The Woman's Club of Seaside, Seaside, Oreg., Ethel E. Hayes, secretary.

Barrington Woman's Club, Barrington, Ill., Mrs. Verne D. Hawley, corresponding secretary.

West Newbury Woman's Club (Inc.), West Newbury, Mass., Eva G. Flook, corresponding secretary.

Town Improvement Society, Jackson, Mich., Pauline E. Henry.

Saugerville Women's Club, Saugerville, Me., Lulu D. Carr.

Woman's Civic Club, Pittsburgh, Pa., Mrs. Blanche Hogue, secretary.

Colony Club, 9114 Two hundred and twelfth Street, Queens, N. Y., Mrs. Sarah A. Springmeyer, president.

Pengrove Women's Club, Mary S. Martin, secretary.

New Orleans Progressive Civic Association, New Orleans, La., Mrs. Edna Pilsbury.

Washington Heights Woman's Club (Inc.), Caroline H. Wilson, corresponding secretary, New York City.

Woman's Club, Mrs. C. M. Ellis, president, Somers, Conn.

Key West Woman's Club, G. Roberts, corresponding secretary, Key West, Fla.

Princeton Woman's Club, Mrs. I. H. Fry, president, Princeton, W. Va.

Browning Club, Nellis C. Williams, secretary, South Easton, Mass.

Pekin Woman's Club, Florence M. Stickley, corresponding secretary.

Woman's Club, E. W. MacKenzie, Norwich, Vt.

Outlook Club, Mr. G. F. Edmunds, president, Bristol, Vt.

Mr. WALSH of Massachusetts. Mr. President, will the Senator permit an inquiry?

Mr. COPELAND. Of course.

Mr. WALSH of Massachusetts. In this bill there is a provision that filleted fish shall bear a duty of 2½ cents a pound. That is the present law, and no change is proposed. It is filleted fish that the people consume largely. It is for the purpose of helping the filleting industry that this seasonal duty on fresh fish is reduced. If the Senator is to be consistent, and if he succeeds in defeating this amendment—which I hope will not happen—he will, of course, move to reduce the duty upon filleted fish.

Mr. COPELAND. I thank the Senator. I do intend, at the proper time, to ask for that reduction in the duty on filleted fish.

Unfortunately, that is not before us, and can not be amended under the rules. May I ask the Senator if that is not a fact?

Mr. WALSH of Massachusetts. That is true.

Mr. COPELAND. Therefore I wanted to make my plea for the American housewife when I had an opportunity to do it. The Senator has pointed out the place where it is most appropriate. I have no enthusiasm over this amendment, I have said twice, but it has given me the opportunity to impress upon the Senate the importance of giving consideration to the American home.

Mr. WALSH of Massachusetts. Mr. President, I do not want to prolong the discussion, because I know how anxious Senators are to expedite business, especially in connection with this schedule, but I want to call the attention of the Senator from New York to the fact that we have been placing duties on a large number of articles where the importations are very insignificant, one-half of 1 per cent, 1 per cent, 2 per cent, or 3 per cent of domestic consumption. The statistics show that 20 per cent of the domestic consumption of this article is imported now, with a rate of 1 cent a pound imposed. Yet it is proposed further to add to the burden of the fishing industry, the men who go out to sea and fish, and supply us with sea food; it is further proposed now to reduce that rate, notwithstanding the fact that they are competing now, with a 20 per cent volume of imports.

The clause "other fish not specially provided for, 1 cent per pound" includes lake fish and sea fish. The chief varieties of fish included in this clause are cod and haddock, the domestic production being over 100,000,000 pounds of both these varieties. The next variety of importance includes herring, lake trout, hake, and pollock that average, respectively, production between ten and twenty million pounds. The value of all fish annually caught under this clause is $14,379,000, or in pounds, 318,587,000 pounds. The imports are 20 per cent, namely, 64,434,543 in 1928.

In view of the domestic catch it seems to me, upon its very face, to indicate that instead of reducing the duty of 1 cent per pound an increase might well be urged.

As indicative of the tendency toward increasing the imports, the percentage of imports to the domestic catch was 15 per cent in 1927 and increased to 20 per cent in 1928.

It seems to me very evident that the lowering of this duty during the season from October 1 to May 1 from 1 cent per pound to one-half cent per pound may result in greatly impeding, even actually destroying, the domestic fish industry dealing in this variety of fish.

Another objection to this amendment is the fact that the very period named is the most objectionable from the standpoint of the domestic fish industry in that it is the very period when the largest fish imports come into the country; and, of course, this provision would permit the storing of fish caught at other seasons and shipped into this country when the duty was lower. A table prepared by the Tariff Commission, which shows that of the total cod, haddock, hake, and pollock, 94.21 per cent was imported during this period, and that of all the imports of fish included in this rate, the imports were 66.78 per cent of the entire imports.

Difference in cost in catching fish in Canada and in domestic waters can be judged only by the price that the fishermen get in different countries, since the Tariff Commission made no study of the variety of the fish now under consideration. They have made studies, however, of the lake fish included in this clause, but not the sea fish. That study shows that in every instance a 1-cent duty did not even make up for the differences in cost of production in the two countries, owing to different standards of living, different scale of wages paid the fishermen, and differences in the cost of freezing. See Tariff Information Series No. 36, published in 1927, on Lake Fish, which sets forth this information, pages 28, 41, 49, 56, 60, 74, 79, 84, 87.

It is fair to assume that if an investigation had been made of sea fish included in this clause, the same differences would be found in cost of production. All the evidence indicates that if protection is justified for any industry, certainly the present protective duty should be retained. I urge the rejection of the committee amendment.

Mr. COPELAND. Mr. President, I thank my friend from Massachusetts. The only interest I have in this discussion is the welfare of the American people. What a man is depends on what he eats, and unless we can make available to the families of the poor wholesome and nourishing food we are not doing our duty as legislators, and our Government has become impotent.

So far as this amendment is concerned, I am indifferent to its fate, but I am not indifferent to the effect this bill will have when all the paragraphs are put into effect and to what they will do to the American housewife.

We can not afford to disregard the homes. We can not afford to disregard the nourishment of the children of the United States. The future of our country depends upon their welfare.

So far as this amendment is concerned, I do not care 30 cents for what happens to it, but I do want Senators, if I can gain their attention for a single moment, to bear in mind that we have another problem besides farm relief; we have cottage relief; we have home relief; we have the welfare of the women and children of this country, as well as of the men, to consider. I trust that in passing upon these various amendments Senators will not lose sight of the need of those who live in the homes of the poor.

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

The amendment was rejected.

The next amendment was, on page 128, line 17, after the word "unsalted," to strike out the colon and "Cod, haddock, hake, pollock, and cusk, 2½ cents per pound; other fish," so as to read:

(c) Fish, dried and unsalted, 1¼ cents per pound.

The amendment was rejected.

The next amendment was, on page 129, line 10, before the words "per pound," to strike out "1¾ cents" and insert "1¼ cents," so as to read:

PAR. 719. Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):

(1) Salmon, 25 per cent ad valorem.

(2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed), 1¼ cents per pound when containing not more than 43 per cent of moisture by weight.

Mr. COPELAND. Mr. President, I would like to ask the Senator from Utah what the debate in the committee was about this particular amendment, and what is the view of the chairman of the committee regarding the rate which has been fixed? Does this go back to the 1922 rate?

Mr. SMOOT. The rate in the act of 1922 is 1¼ cents a pound, just the same as the committee recommended to the Senate.

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

The amendment was agreed to.

The next amendment was, on page 129, line 12, where the committee proposed to strike out "1¼" and insert in lieu thereof "three-fourths," so as to read:

(2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed), 1¼ cents per pound when containing not more than 43 per cent of moisture by weight, and three-fourths of 1 cent per pound when containing more than 43 per cent of moisture by weight.

Mr. COPELAND. Mr. President, may I ask the same question as to this? Is that the rate in the act of 1922?

Mr. SMOOT. The rate in the act of 1922 was 1¼ cents; the House imposed a rate of 1¼, and the Senate committee reduced it to three-quarters of a cent.

Mr. COPELAND. This is under the rate in existing law?

Mr. SMOOT. Yes; under the rate in existing law.

The amendment was agreed to.

The next amendment was, on page 129, line 16, before the words "per pound," to strike out "2½ cents" and insert "2 cents," so as to read:

(3) Cod, haddock, hake, pollock, and cusk, skinned or boned, whether or not dried, 2 cents per pound.

Mr. COPELAND. What about this rate?

Mr. SMOOT. The rate in the act of 1922 was 2½ cents; the House imposed a rate of 2½ cents, and the Senate committee reduced it to 2 cents.

The amendment was agreed to.

The next amendment was, on page 129, line 16, before the word "herring," to strike out "sea," so as to read:

(4) Herring and mackerel, whether or not boned, in bulk or in immediate containers weighing with their contents more than 15 pounds each, 1 cent per pound net weight; in immediate containers (not air-tight) weighing with their contents not more than 15 pounds each, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 130, line 10, before the word "herring," to strike out "sea," so as to read:

PAR. 720. (a) Fish, smoked or kippered (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):

(1) Salmon, 25 per cent ad valorem.

(2) Herring, whole or beheaded, but not further advanced, 1¼ cents per pound.

The amendment was agreed to.

The next amendment was, on page 130, line 12, before the word "herring," to strike out "sea," so as to read:

(3) Herring, eviscerated, split, skinned, boned, or divided into portions, 3 cents per pound.

The amendment was agreed to.

The next amendment was, on page 135, paragraph 738, line 11, where the committee proposed to strike out "6 cents" and insert "8 cents," so as to read:

Vinegar, 8 cents per proof gallon.

Mr. COPELAND. Mr. President, how much vinegar do we import, may I ask the Senator from Utah?

Mr. SMOOT. The imports were 274,169 gallons last year.

Mr. COPELAND. That was of malt vinegar, was it not?

Mr. SMOOT. Yes; nearly all of malt vinegar. It came from Spain and the United Kingdom.

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

The amendment was agreed to.

The next amendment of the committee was, on page 135, line 14, paragraph 739, to strike out the words "and lemons" and to insert the words "lemons, and other fruit"; on line 16, after the word "candied," to insert the words "crystallized, or glacé"; on line 17, after the word "peel," to strike out the words "candied or" and to insert the words "candied, crystallized, or glacé," so as to read:

PAR. 739. Orange, grapefruit, lemon, and other fruit peel, crude, dried, or in brine, 2 cents per pound; candied, crystallized, or glacé, or otherwise prepared or preserved, 8 cents per pound; citrons or citron peel, candied, crystallized, or glacé, or otherwise prepared or preserved, 6 cents per pound.

The amendment was agreed to.

The next amendment was, in paragraph 740, page 135, line 20, after the word "brine," to insert the words "and fig paste," so as to read:

PAR. 740. Figs, fresh, dried, or in brine, and fig paste, 5 cents per pound; prepared or preserved, not specially provided for, 40 per cent ad valorem.

Mr. COPELAND. Mr. President, does the fact that this amendment has been offered make it proper to propose a substitute for the paragraph?

Mr. SMOOT. Not at this time. I wish to say that this amendment as to fig paste is simply to prevent a situation that would develop or could develop. If we did not have fig paste taken care of here at the same ad valorem rate, fig paste could be shipped in. So the clarifying amendment.

Mr. COPELAND. Mr. President, I am entirely unwilling, if I can prevent it, to have dried figs taxed at 5 cents per pound. It is entirely proper, as I view it, that fresh figs and those in brine and perhaps fig paste—I am not informed as to the last material—should be given protection of 5 cents a pound, but it is absurd to place a tax upon dried figs of 5 cents a pound.

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

Mr. COPELAND. I yield.

Mr. SMOOT. The Senator must realize that if we did not have dried figs covered in this paragraph fresh figs would never be shipped in; the importers would have them all dried and ship them in dried. Therefore we include the words "figs, fresh, dried, or in brine." If "dried or in brine" were not included, particularly the word "dried," of course there would be no fresh figs shipped in; the figs would all be shipped in dried. That is the condition existing under the present law.

Mr. COPELAND. Mr. President, does the Senator wish to attempt to convince me that if we discriminated between dried and fresh figs there would then be brought in from abroad more dried figs to take the place of those now consumed as fresh figs?

Mr. SMOOT. It is very difficult, indeed, to import fresh figs. In fact, there are very few imported. I doubt whether the figures as to the amount are kept by the Treasury Department. Most of these articles come in either in paste, or fresh, or in brine.

Mr. COPELAND. There are figs raised in Mexico, are there not?

Mr. SMOOT. Not to any extent; very few.

Mr. COPELAND. Figs could be put in brine and brought in and then processed and sold in those neat little glass cans for use as dessert on Pullman cars and in the Senate restaurant, could they not?

Mr. SMOOT. They bring them in dried rather than in brine.

Mr. COPELAND. Mr. President, this is a fact about dried figs. The only place where dried figs are produced in the United States is California. Most of our figs come from Smyrna. Last year we imported over 20,000 short tons, while our production of American dried figs was about 3,000 tons.

To give a background to what I have to say, let me tell the Senator this, that these dried figs are used in making what are known as fig newtons, a layer of fig paste baked in an envelope of biscuit.

By the way, that makes me think—may I ask the Senator from Utah whether the fig paste can be used in exactly the same way the dried fig is used in the making of these fig newtons? I wish we had a dietitian here to give us a little advice.

Mr. SMOOT. It is fig paste that is used for that purpose.

Mr. COPELAND. Where is fig paste provided for under the present law?

Mr. SMOOT. It falls in paragraph 750 of the existing law.

Mr. COPELAND. What is the difference in money between 35 per cent on fig paste and 5 cents a pound?

Mr. SMOOT. I notice in the Summary of Tariff Information that the price is not given, so I can not tell the Senator.

Mr. COPELAND. Five cents a pound is considerably more than 35 per cent ad valorem, is it not?

Mr. SMOOT. I should think it would be a slight increase.

Mr. COPELAND. Then I am clear about the matter. The fig paste can be used for the same purpose that the dried fig is used for.

Mr. SMOOT. The dried fig is ground up to make the fig paste. I do not quite understand what the Senator meant by the statement he just made.

Mr. COPELAND. What I mean to say is that I have a very proper grievance now against the amendment because it is apparent that if a rate of 5 cents a pound is placed on fig paste, it is going to materially increase the price of the fig biscuits which are sold to the people.

Mr. SMOOT. I doubt very much whether the ultimate consumer will pay any more than he is paying now—I mean those who buy at retail.

Mr. COPELAND. According to the Senator from Utah the ultimate consumer never gets the effect of the tariff!

Mr. SMOOT. Sometimes he does and sometimes he does not.

Mr. COPELAND. Almost always he does. I would not want any man to challenge my intelligence to the extent of trying to make me think that a tariff does not increase the price to the consumer. Of course it does. Who can question that? If there is any legitimate reason for imposing a tariff, I have no objection even though the consumer does pay more; but here we have an example of the absurdity of it. The junior Senator from California [Mr. SHORTRIDGE] is smiling and will be on his feet in a moment to tell about the wonderful figs grown in California.

Mr. SHORTRIDGE. I was going to say that those figs raised in Texas, for the moment, perhaps, are just as good as those we raise in California.

Mr. CONNALLY. Why use the word "perhaps"?

The VICE PRESIDENT. The Chair desires to announce that Senators must not interrupt without addressing the Chair and getting permission. The Chair is not going to have the rule read now, but will do so if it is not strictly observed.

Mr. COPELAND. Mr. President, I think the figs grown in Texas are just as good as those grown in California. I have no objection to a 5-cent tariff on the fresh fig or the fig in sirup, which is the sort of fig raised in Texas and the kind which can be successfully merchandised from California. If that is not satisfactory, I shall be glad to agree to a little more, because it is a luxury. It is only the people who can pay the extra fare on a Pullman car who can buy these figs, or those who have an enormous salary like a United States Senator, because I have noticed occasionally Senators indulging in eating figs in sirup at 25 cents for three figs.

The dried fig produced in America is unsuited for the use to which I have alluded. The fig raised in California has a disease known as endosepsis. It is not suited for drying. It is not suited for making into a paste. If there were a tax of 30 cents placed upon dried figs, there would be no demand for the dried fig from California, because it is absolutely unsuited for use in pastry.

Mr. President, once more I say that I am simply representing the American housewife. I am trying to keep the bill within reason. I am trying to keep from it the criticisms which are bound to be passed upon it by the American people when they come to pay far more for all the necessities of life than they are paying at the present time. What is the use of loading the bill up with amendments to cover products which will not be benefited at all by this particular addition to the bill? I hope the amendment of the committee will be rejected.

Mr. CONNALLY. Mr. President, I want to apologize to the Chair for interrupting a moment ago without first obtaining recognition. The Senator from California [Mr. SHORTRIDGE] in a burst of unusual generosity had just remarked that Texas produced as good figs as California, and then added a destructive "perhaps," and on the impulse of that remark I rose and interjected, without deferring to the Chair as I should, and I want to make amends in this way.

Mr. SHORTRIDGE. Mr. President, I ask that in my remarks the word "perhaps" be stricken out of the RECORD.

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

Mr. CONNALLY. Mr. President, I shall have to object to that, because I do not want to mar the 999.99 per cent batting average that has been attained by the Senator from California. I am sure that if it appeared anywhere in the RECORD that he had in a moment of inadvertence made an admission that any place on earth there is produced anything comparable to that which is produced in California, his record would be seriously besmirched, so I insist upon the remark standing.

Mr. ASHURST. Mr. President, at that point may I be permitted to state that if it should happen to be anything which California does not produce, she takes it from Arizona.

Mr. CONNALLY. The Senator from Arizona suggests that California has been guilty of, shall we say, pilfering, or, to use a euphemism, appropriating? At any rate, I hope the committee amendment will be retained as to fig paste carrying a rate of 5 cents, the same rate that is carried for fresh figs. It is true there is quite a fig industry developing along the Gulf coast. I hope it will not put California out of business, but at the same time we do not want to crush California and go down with her in the cataclysm that will occur if this rate is not retained as it is fixed in the House provision.

Mr. WALSH of Massachusetts. Mr. President, I desire to call attention to the rapidity and extent to which these rates have and are being increased. By the act of 1922 a duty on figs, fresh, dried, or in brine, was fixed at 2 cents per pound; prepared or preserved, 35 per cent ad valorem. In the bill which is before us the House fixed a rate on figs, fresh, dried, or in brine, of 5 cents per pound, an increase of 150 per cent; prepared or preserved, not specially provided for, 40 per cent ad valorem, an increase over the present law which fixes a rate of 35 per cent ad valorem.

I simply want the RECORD to show the excessive jump in the duties upon this product. What is true of the particular product under discussion is true of practically every item in this bill relating to citrus fruits, nuts, and other edibles produced in California. The increases, it seems to me, are indefensible. I recognize that the Senate Committee on Finance in this instance merely approved of the House rates, and therefore there is at this stage of proceedings no opportunity to produce them. I am fully informed as to the temper of this body, and I therefore realize the uselessness of attempting to reduce those rates or, indeed, anything in the agricultural schedule. But I do call public attention to the fact that of all of the agricultural rates the citrus-fruit rates seem to be the highest, and they are effective duties in the schedule that every man, woman, and child will pay. We must import these products to meet our consumption. The duty will have to be paid, because the domestic production is not sufficient to supply the demand.

Mr. TRAMMELL and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I yield first to the Senator from Florida.

Mr. TRAMMELL. I desire to ask the Senator if he knows, as a matter of fact, that when we have a duty of 1 cent a pound, for instance, on citrus fruit, oranges, and grapefruit, which would amount to 80 or 90 cents a crate, that even in the market grapefruit and oranges sell for less than the cost of production? In other words, 80 cents a crate on those fruits does not protect the grower against losses in many instances.

Mr. WALSH of Massachusetts. I said yesterday, when I had the privilege and honor of addressing the Senate for a brief time, that I consider the agricultural problem in this country which is the most pressing is the cost of transportation. The freight rate on grapefruit shipped from Florida to Washington is almost as much as the producer obtains. Am I correct?

Mr. TRAMMELL. That is quite a problem; but at the same time, of course, the producer has it to contend with, and until we get rid of that problem we do not want the citrus-fruit industry destroyed entirely.

Mr. WALSH of Massachusetts. The citrus or the general agricultural industry, in my opinion, will never be prosperous, no matter how high the tariff may be, no matter how many millions of dollars are expended for relief, until there is met and solved the question of excessive transportation costs; and, secondly, the unjustifiable, indefensible spread between the producer and the consumer who eats the citrus fruit and other farm products at his table.

Mr. TRAMMELL. That is a great problem in connection with the industry.

Mr. COPELAND. Mr. President, may I ask the Senator from Massachusetts if he knows any way by which we could get Senators to have a record vote on the various items which have to do with the increase in the cost of production?

Mr. WALSH of Massachusetts. I will say to the Senator frankly that I have recognized the fact for some days that the Senate has determined to increase all duties upon agricultural

rates, and that no matter what the evidence may be as to increased costs to the public or as to imports and exports, it will not prevent favorable action without a record vote.

Mr. COPELAND. A conviction of that sort, as I see it, is one that would make us willing to have the RECORD show how we vote.

Mr. WALSH of Massachusetts. I think the Senator is very effectively showing that he is protesting, and I, in my humble way, am trying to show to the consumers of the country what is happening here and to what extent the consumers' bill for farm products and edibles is to be increased by these outrageous increases.

Mr. HARRISON rose.

Mr. WALSH of Massachusetts. I had hoped that we could convert the Senator from Mississippi to our views, and I expect before we get through the schedule to hear him make some powerful speeches—as he can—asking for a reduction in many of the agricultural rates.

Mr. COPELAND. If the Senator will bear with me just a moment, does he feel as lonesome as I do this morning?

Mr. WALSH of Massachusetts. I got a little comfort in the vote for the duty on fish, so I am not quite as lonesome. I think before the day is over the glory of that little victory will have diminished because of the avalanche of increased rates on food products being voted by the Senate.

Mr. HARRISON. Mr. President——

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. WALSH of Massachusetts. I will very cheerfully yield to the Senator from Florida after I shall have yielded to the Senator from Mississippi.

Mr. HARRISON. Will not the Senator yield first to the Senator from Florida?

Mr. WALSH of Massachusetts. The Senator from Mississippi is always gracious and indulgent. I yield to the Senator from Florida.

Mr. FLETCHER. With regard to the increase on citrus fruits, I invite the Senator's attention to the fact that the bill does not increase the duties on oranges and grapefruit. The Senate Finance Committee proposes a reduction on grapefruit. The rate now on oranges and grapefruit is 1 cent a pound, and has been that for years and years.

Mr. WALSH of Massachusetts. There is an increase on lemons.

Mr. FLETCHER. There is an increase proposed on lemons, but as to oranges and grapefruit there is none proposed.

Mr. WALSH of Massachusetts. The increased duty on lemons is not defensible.

Mr. FLETCHER. Yes. We will soon reach the item of lemons and I shall then be glad to discuss it.

Mr. WALSH of Massachusetts. I now yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, I merely wanted to interrupt the Senator from Massachusetts to say that the Senator from New York [Mr. COPELAND], who has been so diligent and so persistent this morning in opposition to some of these increased rates, was equally as diligent and persistent before the Committee on Finance when these matters were being considered. I have never known a man to be more painstaking in trying to take care of the interests of his particular consumers in New York City. He was before our committee day in and day out, speaking as long as he has spoken in the Senate in opposition to these rates. He has certainly demonstrated his opposition to them, whether he gets a roll call on the items or not.

Mr. WALSH of Massachusetts. Before yielding the floor I desire to request that I be permitted to insert in the RECORD in connection with the paragraphs we have acted upon this morning and those upon which we voted last night some briefs prepared by me and a summary of information showing the imports and exports and other facts, the increases made by the House over the present law, and the increases proposed to be made by the Senate Finance Committee over the rates in the House bill.

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

The matter referred to is as follows:

BRIEF BY SENATOR WALSH OF MASSACHUSETTS ON PARAGRAPH 740—FIGS

Figs: Fresh dried, or in brine, also prepared or preserved in any manner.

Act of 1922: Duty on fresh dried or in brine, 2 cents per pound; prepared or preserved, 35 per cent ad valorem.

House bill: Fresh dried or in brine, 5 cents per pound. Prepared or preserved not specially provided for, 40 per cent ad valorem.

The duties proposed before the Senate subcommittee were same as House.

FACTS

(1) Domestic production (production data available only for California): 1927, 12,000 tons and 45,132 acres (latest figures).

(2) Imports: In 1927, 59.5 per cent of the total imports came from Turkey, 13 per cent from Portugal, 7.7 per cent from Greece, 7 per cent from Italy, and 6.4 per cent from Algeria and Temisis.

	Pounds
1923	36,741,750
1928	30,573,354

(3) No official export figures.

(4) There is general competition between the California dried fig and the imported. Imports have supplied more than 50 per cent of the total domestic consumption in recent years.

Total consumption:	Pounds
1925	64,943,000
1927	50,964,000

Proportion supplied by import:	Per cent
1925	70.4
1927	52.4

REMARKS

The increase in duty on figs, fresh dried or in brine, from 2 to 5 cents per pound seems unwarranted for the following reasons:

1. If domestic industry is permitted to receive such a fabulous rate of protection as demanded above on an article of such low economic value as the fig, it will only be a question of time, if such a duty is allowed, when the fig will be out of reach of the middle class and become a luxury only available to the wealthy.

2. National Biscuit Co. and Loose-Wiles Biscuit Co. declare that after exhaustive tests they have concluded that the one fig which produces the quality of fig newtons they are pleased to supply the American public is the Smyrna product and no other (p. 4522, House hearings).

3. Another reason against the proposed duty is that prices in Europe have already been forced up 50 per cent, due to the very rigid regulations now enforced by the Department of Agriculture which requires shipments of all figs on arrival at New York must show, after being analyzed by the Department of Agriculture, 10 per cent or less defective figs.

As a result of this action imports have steadily declined in the past few years. (See Tariff Summary, p. 1257.)

4. National Biscuit Co. has experimented with California figs and found them to be not acceptable.

(5) About 99 per cent of the figs imported in the United States are dried figs, and therefore the production of fresh or preserved figs in California and Texas which can't be used for drying will not be injured by foreign importations. This is particularly true of the Magnolia fig of Texas which can't be used for drying.

(6) The Calimyrna fig of California is the only fig in the United States that can approach the specifications of the Turkish Smyrna fig and even then it is inferior. Present production of this type is 3,000 tons and when it is seen that the present American demand is 10,000, California production is inadequate.

(7) Although attempts have been made to market figs in the fresh form in eastern United States markets, shipments have been relatively unimportant amounting in California to 43 cars in 1925 and 85 cars in 1926 (Tariff Summary, p. 1257).

(8) The candy manufacturers of New England as well as the consumers of their products will have to bear the increased cost due to the higher proposed tariff.

FIGS PREPARED OR PRESERVED, NOT SPECIALLY PROVIDED FOR, 40 PER CENT AD VALOREM

What has been said about dried figs applies very nearly the same way as to preserved or prepared figs. The rate has been raised 5 per cent.

Productions (Texas, the leading State): 22,000,000 pounds in 1928.

Imports: 1,363,661 pounds, or only $76,455 in value.

Remarks: California fig growers asked for a 14-cent rate per pound (p. 4489); independent fig growers asked for 26 cents per pound (p. 4505).

BRIEF BY SENATOR WALSH OF MASSACHUSETTS ON PARAGRAPH 712, BIRDS, DRESSED OR UNDRESSED

Act of 1922: Birds, dressed or undressed poultry, 6 cents per pound, all others, 8 cents per pound; all the foregoing, prepared or preserved in any manner and not specially provided for, 35 per cent ad valorem.

HOUSE BILL CHANGES

Adds the words fresh, chilled, or frozen, and specifies chickens, ducks, geese, and guineas in place of the general term "poultry," and raises the duty from 6 to 8 cents per pound. Turkeys are put in a separate category and dutiable at 10 cents, a 4-cent increase over 1922. All others are also 10 cents per pound, or a 2-cent raise. The above that are prepared or preserved and not specially provided for are changed

from an ad valorem duty of 35 per cent to a specific one of 10 cents per pound.

The rates proposed by the Senate committee on chickens, ducks, geese, and guineas are raised to 10 cents per pound. Rest of duties are unchanged.

FACTS

Production of dead poultry, average 1922–1927, 565,000,000 pounds; 1927, 575,000,000 pounds.

IMPORTS

These came chiefly from Argentina (70 per cent), Austria (13 per cent), Hungary (10 per cent), Canada and United Kingdom (4 per cent). These figures refer to the percentage of turkeys entering New York in 12 months ended February 28, 1928, but may be considered a representative of the whole.

There were 3,567,242 pounds in 1927 and 5,495,358 in 1928 of poultry dressed or undressed imported in 1928, or less than 1 per cent of the domestic production.

Prepared poultry was imported to the small amounts of 576,502 pounds in 1927 and 473,394 pounds in 1928, a relatively insignificant amount.

EXPORTS

Nineteen hundred and twenty-two to nineteen hundred and twenty-seven averaged 4,773,611 pounds, or about 0.8 of 1 per cent of the average domestic kill and about equal to imports.

REMARKS

New York State Association of Retail Meat Dealers (Inc.) (pp. 3956, 3957) oppose the increase in duties: (1) Prices of meat to the dealer would be very greatly increased, and this would of necessity have to be passed on to the consumer—the buying public. (2) Importations of poultry would be shut off with the higher and prohibitive duty, and retail dealers and public would suffer a hardship owing to the curtailment of their poultry supply due to excessive prices. "This is bound to happen should the tariff be revised upward."

The increased rates are not warranted for the following reasons: (1) The packers, not the farmers, will benefit by the higher rates; (2) with 575,000,000 pounds produced in 1927 the increase of 2 cents will cost $11,500,000 a year more. This figure does not include pyramiding of price. In final analysis will be borne by the consumer. (3) Turkeys are raised 4 cents a pound over 1922. This will have the effect of either decreasing holiday sales or costing the consumer more. (4) Finally, exports of dead poultry are equal to imports.

BRIEF OF SENATOR WALSH OF MASSACHUSETTS ON PARAGRAPH 708—CONDENSED OR EVAPORATED MILK AND RELATED PRODUCTS

(NOTE.—The individual products listed in this paragraph are taken up separately in brief fashion to present the facts applying to each one. At the end the entire paragraph is summed up in the remarks.)

MILK, CONDENSED OR EVAPORATED, IN AIR-TIGHT CONTAINERS, UNSWEETENED

Act of 1922: Duty, 1 cent per pound.

House bill: Duty, 1.4 cents per pound.

The rate imposed by the Senate Finance Committee is 1.9 cents.

FACTS

(1) Domestic production, 1927, unsweetened evaporated milk (Tariff Summary, p. 1056)

	Pounds
Case goods, skimmed	8,100,000
Case goods, unskimmed	1,273,815,000
Bulk goods, skimmed	26,085,000
Bulk goods, unskimmed	101,345,000

(2) Imports

1923	3,022,177
1928	1,192,849

(3) Exports

1923 (includes all evaporated products)	136,886,328
1928 (includes all evaporated products)	76,788,833

MILK CONDENSED OR EVAPORATED, SWEETENED

Act of 1922: Duty, 1½ cents per pound.

House bill: Duty, 2¼ cents per pound.

Those imposed by the Senate subcommittee were 2¾ cents per pound.

FACTS

(1) Domestic production (1927, Tariff Summary, p. 1056)

	Pounds
Case goods:	
Skimmed	1,623,000
Unskimmed	161,355,000
Bulk goods:	
Skimmed	143,722,000
Unskimmed	39,668,000
Total	346,368,000

(2) Imports

	Pounds
1923	3,082,335
1928	1,309,600

In 1927 they were only 289,741 pounds.

(3) Exports

1923 (includes all condensed)	57,378,043
1928 (includes all condensed)	38,762,549

ALL OTHER CONDENSED OR EVAPORATED MILK

Act of 1922: Duty, 1⅜ cents per pound.

House bill: Duty, 2 cents per pound.

The rates proposed by the Senate committee were 2.53 cents per pound.

FACTS

(1) Domestic production (1927, Tariff Summary, p. 1056)

Figures are not available in the form desired.

(2) Imports

	Pounds
1923	543,167
1928	1,105,315

(3) Exports

Are included in the figures for condensed and evaporated given in other connection above.

WHOLE-MILK POWDER

Act of 1922: Duty, 3 cents per pound.

House bill: Duty, 4¾ cents per pound.

The rates proposed by the Senate subcommittee are 6$\frac{1}{12}$ cents per pound.

FACTS

(1) Domestic production (Tariff Summary, p. 1056)

	Pounds
1923	6,560,000
1927	11,464,000

(2) Imports

1923	618,329
1927	2,990,754

(3) Exports (include whole-milk powder, cream powder, and skimmed-milk powder, p. 1059)

	Pounds
1923	2,437,367
1927	4,015,975

CREAM POWDER

Act of 1922: Duty, 7 cents per pound.

House bill: Duty, 10½ cents per pound.

The rates proposed by the Senate committee are 12⅓ cents per pound.

FACTS

(1) Domestic production (Tariff Summary, p. 1056)

	Pounds
1923	328,000
1927	338,000

(2) Imports

1923	1,821
1927	11,425

(3) Exports

(See under whole-milk powder.)

SKIMMED-MILK POWDER

Act of 1922: 1½ cents per pound.

House bill: 2½ cents per pound.

American Farm Bureau Federation asked for 4 cents per pound, but not less than 60 per cent ad valorem (pp. 3580–3717, 3595). National Cooperative Milk Producers' Federation desired 4 cents per pound, but not less than 40 per cent ad valorem (pp. 4108–4110). Mr. H. E. Van Norman, of American Dry Milk Institute, asked for 4 cents per pound (pp. 4110–4114).

The rates proposed by Finance Committee are 3 cents per pound.

FACTS

(1) Domestic production

	Pounds
1923	62,251,000
1927	118,123,000

(2) Imports

1923	2,459,144
1927	661,321

(3) Exports

(See under whole-milk powder above.)

MALTED MILK AND COMPOUNDS OR MIXTURES OF OR SUBSTITUTES FOR MILK OR CREAM

Act of 1922: 20 per cent ad valorem.

House bill: 30 per cent ad valorem.

American Farm Bureau Federation asked for 40 per cent ad valorem (p. 3595). Hon. C. G. SELVIG, of Minnesota, asked for 45 per cent ad

valorem (pp. 3750–3762). Hon. A. T. SMITH, of Idaho, asked for 40 per cent ad valorem (pp. 3763–3766).

The rates asked before the Senate subcommittee were 35 per cent ad valorem.

FACTS

(1) *Domestic production*	Pounds
1923	15,331,000
1927	22,116,000
(2) *Imports*	
1923	23,213
1927	1,809

REMARKS

To place higher duties on the various condensed and evaporated milk products and dried powder (even though the duties are not raised, in most cases, very high) seems to be unwarranted for the following reasons:

1. The producers of these products do not face intense foreign competition as the heavy export balance in their favor indicates.

Imports and exports in the United States

Year	Exports [1]	Imports [2]	Balance
	Pounds	*Pounds*	*Pounds*
1925	151,411,603	12,393,869	139,107,734
1926	117,208,484	9,375,513	107,832,971
1927	103,028,222	10,356,469	92,671,753
1928	111,490,114	7,165,557	104,324,557

[1] Statistical Abstract of United States, 1928, p. 480.
[2] Statistical Abstract of United States, 1928, p. 518.

(2) The imports are only a small percentage of domestic production, as follows:

Year	Production [1]	Imports [2]	Per cent of production
	Pounds	*Pounds*	
1925	1,862,267,000	12,393,869	0.66
1926	1,868,985,000	9,375,513	.50
1927	1,759,305,000	10,356,469	.59
1928 [3]	1,643,026,145	7,165,557	.44

[1] Tariff Summary, p. 1056. [3] First 11 months of 1928.
[2] See above.

It seems hard to believe that imports to such an insignificant proportion of the domestic production could have had any effect upon the prices obtained in the domestic market.

3. The probable result of an increase of the tariff under these conditions would be of benefit to the producers (including middlemen, distributors, etc.) at the consumer's expense without justification, and in all likelihood the original producer would not receive a fair proportion of the increase in price.

By evident absence of any reasonable necessity, dealer, manufacturer, or other middlemen will gain.

4. Practically none of sweetened condensed milk was imported in cans for home consumption. It is imported in bulk for the manufacturers of candy and ice cream. New England and Massachusetts, that will suffer if these duties are effective, in particular have a well-established confectionery industry. A higher scale of duties may work a hardship upon them, especially those who sell candy bars at fixed prices. The size of the bar is likely to be decreased and quality be made inferior.

BRIEF OF SENATOR WALSH OF MASSACHUSETTS ON CHEESE (PAR. 710)

Paragraph 710. Cheese and substitutes therefore. Act of 1922: Five cents per pound, but not less than 25 per cent ad valorem (except Swiss cheese of the Emmenthaler type, on which the duty is 7½ cents per pound, but not less than 37½ per cent ad valorem, by reason of a presidential proclamation under section 315).

House bill: Seven cents per pound, but not less than 35 per cent ad valorem. This amounts to a 40 per cent increase per pound. The cheese interests asked for a duty on the American type (Cheddar) cheese of 8 cents per pound, but not less than 40 per cent ad valorem, or a 60 per cent increase per pound over the present duty. (House hearings, pp. 3644–4123.)

On Swiss cheese of the Emmenthaler type an increase from 7½ cents and 37½ per cent ad valorem to 12 cents and not less than 40 per cent ad valorem was asked.

On all other types, including all processed cheese, a duty of 15 cents per pound, but not less than 40 per cent ad valorem, was asked.

The Senate committee proposes to increase the House provisions from 7 cents to 8 cents.

Pertinent Facts (from Tariff Summary, Schedule 7, pp. 1066–1072, and House hearings, pp. 4135, 4145).

DESCRIPTION AND COMPETITIVE CONDITIONS

1. Cheddar and American cheese: The United States produces twice the amount of any other country, and the domestic production is upward. The United States exports less than 1 per cent of the production. Imports were about 4½ per cent of domestic production, principally from Canada, and consisting largely of cheese coming into Wisconsin, where it is processed (i. e., melted and other ingredients added to restore its texture.

2. Swiss cheese (Emmenthaler, a cheese with "eye" formations): Imports of Swiss cheese into the United States in 1927 were greater than the domestic production of that type. The American-made Swiss, delivered in New York, costs 13 cents per pound more than the imported equivalent. At the same time the lower-priced imported cheese commands a substantial premium, which is an added advantage. Its position is strengthened by unified marketing methods and extensive advertising. On July 8, 1927, the President changed the duty on this cheese from 5 cents and not less than 25 per cent ad valorem to 7½ cents and not less than 37½ per cent ad valorem. In spite of this increase, and largely due to its advertising campaign, imports of Swiss cheese have been maintained. Before the change imported Swiss cheese in New York sold for 6 cents above the average domestic grade. After the change, for 10 cents above the domestic grade.

3. Foreign types of cheese other than Swiss, mostly from Italy and France: These cheeses can not be produced in this country due to the lack of peculiar pasturage, climate, and technique. The domestic production of these cheeses is less than 3 per cent of the total produced in the country, while the imports are five times as great as the corresponding domestic production. The proposed duty, therefore, is ridiculous and uncalled for, protecting a very few cheese makers at the expense of consumers, mostly poor people of foreign extraction, who continue to be great consumers of their native cheese.

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

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The LEGISLATIVE CLERK. The next committee amendment is, in paragraph 741, on page 135, line 23, to strike out the word "unpitted" and to insert "with pits," so as to read:

PAR. 741. Dates, fresh or dried, with pits.

The amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, some weeks ago I gave notice that I intended to propose an amendment to paragraph 741. That amendment was printed and has been submitted to certain Members of the Senate.

The VICE PRESIDENT. The Chair will state that the amendment offered by the Senator from California proposes to strike out the entire paragraph and therefore is not in order at this time.

Mr. SMOOT. Mr. President, I understand that if the Senator from California will divide his amendment we could then act upon a portion of it at this time. I read the amendment last evening, and I understand it to be this——

Mr. COUZENS. Let the clerk read the amendment, so that we may understand what it is.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 135 it is proposed to strike out lines 23 and 24, and on page 136 to strike out lines 1 and 2, and to insert in lieu thereof the following:

PAR. 741. (a) Dates, fresh or dried, with or without pits, in immediate containers weighing with their contents not more than 10 pounds each, 10 cents per pound.

(b) Dates in bulk or in immediate containers weighing with their contents more than 10 pounds each: With pits, 1 cent per pound; with pits removed, or prepared or preserved, not specially provided for, 5 cents per pound.

The VICE PRESIDENT. Is there objection to the consideration of the amendment at this time?

Mr. SMOOT. Mr. President, if the amendment could be agreed to, I should like to have that done. It proposes a reduction of the rate on fresh or dried dates with the pits from 2 cents a pound, as provided by the House, to 1 cent a pound on the dates and containers. That would be a great reduction. There is no justification, in my opinion, for a duty of 2 cents a pound on this article.

Mr. WALSH of Massachusetts. That also seems to be the sentiment of the minority members of the Committee on Finance, who heard the evidence.

Mr. SMOOT. Should the amendment of the Senator from California be agreed to, in my opinion, it would greatly improve the paragraph; and I should like the amendment now to be offered without objection and agreed to in place of the Senate committee amendment.

Mr. WALSH of Massachusetts. Does the amendment propose to restore the House rate?

Mr. SMOOT. It proposes to impose the rate in the present law of 1 cent per pound.

Mr. COPELAND. Mr. President, let me be sure as to what the Senator from Utah has stated.

Mr. SMOOT. The amendment offered by the Senator from California proposes to restore the 1-cent rate on dates, fresh or dried, with pits, as carried in the present law. The Finance Committee proposed to increase the rate of 1 cent to 2 cents per pound. I should like to have the Senate disagree to the Finance Committee amendment and adopt the amendment just read, which is offered by the Senator from California.

Mr. COPELAND. That would mean a duty of 1 cent a pound?

Mr. SMOOT. It would mean a duty of 1 cent a pound.

Mr. COPELAND. And would lower the tariff? I am astonished, Mr. President.

Mr. SMOOT. It would not lower the tariff but would preserve the existing tariff.

Mr. COPELAND. But it would lower the rate provided in the amendment as reported by the Finance Committee.

Mr. SMOOT. Yes.

Mr. COPELAND. That is an astounding thing, Mr. President.

Mr. SMOOT. I do not want the Senator from New York to faint over it, but it is really a fact.

Mr. COPELAND. It is with great grief, I take it, that the Senator from Utah admits it.

Mr. SMOOT. Of course.

Mr. COPELAND. In view of that, I am willing to have the amendment considered, but I can not quite understand such a situation.

Mr. FLETCHER. I understood the amendment provides for a duty of 10 cents a pound.

Mr. SMOOT. No; it provides for a duty of 10 cents on small packages containing 10 pounds.

Mr. LA FOLLETTE. Mr. President, will the Senator from Utah yield to me for a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. SMOOT. Yes.

Mr. LA FOLLETTE. I understood the Senator from Utah to say that the amendment of the Senator from California proposes a reduction in the rate.

Mr. SMOOT. It does.

Mr. LA FOLLETTE. How much do the containers weigh on the average?

Mr. SMOOT. The amendment refers to containers and contents weighing not more than 10 pounds.

Mr. LA FOLLETTE. And the duty proposed on the containers and contents is 10 cents a pound. Can the Senator tell us how much the containers weigh?

Mr. SMOOT. From 8 ounces to 10 ounces. Of course, the importer will make the container just as light as he possibly can in order to get more dates in. That is one protection we have in the amendment offered by the Senator from California.

Mr. GEORGE. Mr. President, I understand the amendment does reduce the duty on dates fresh or dried with pits from 2 cents to 1 cent. That is a reduction of the rate provided in the Senate committee amendment, but it adds a duty of 10 cents a pound on packages weighing, with their contents, not more than 10 pounds.

Mr. SMOOT. That would be a cent a pound.

Mr. GEORGE. It would be 10 cents a pound, Mr. President. The amendment reads in this way:

> Dates, fresh or dried, with or without pits, in immediate containers weighing with their contents not more than 10 pounds each, 10 cents per pound.

That is a 100 per cent increase over and above the rate provided by the Senate committee amendment.

Mr. SMOOT. I do not catch the wording accurately, then, as the amendment was read from the desk.

Mr. GEORGE. I shall object to the amendment.

Mr. LA FOLLETTE. That is the point I was directing my inquiry to.

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

Mr. GEORGE. Yes, Mr. President, I shall object to the consideration of the amendment at this time.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from California will state his parliamentary inquiry.

Mr. SHORTRIDGE. When will it be timely for me to offer the amendment?

The VICE PRESIDENT. It will be appropriate to offer the amendment when individual amendments shall be in order after the committee amendments shall have been acted upon.

Mr. SMOOT. Mr. President, if the amendment of the Senator from California is to go over, I should like to have the amendment reported by the Finance Committee disagreed to. Then the Senator from California can offer his amendment later, when individual amendments shall be considered.

Mr. SHORTRIDGE. Whatever the parliamentary situation may be, if my amendment may be considered on its merits at the proper time, of course I will be glad to follow the suggestion which has been made.

Mr. SMOOT. I think that the first amendment, in line 23, on page 135, striking out the word "unpitted" and inserting the words "with pits," should be agreed to. Then I should like to have the amendment increasing the rate from 1 cent to 2 cents a pound disagreed to. Then, when it shall be time to offer individual amendments, we can take up the amendment of the Senator from California. I have not read the Senator's amendment and did not know that it provided a rate of 10 cents a pound. I thought it was 10 cents on a package of 10 pounds, which would be 1 cent a pound.

The VICE PRESIDENT. The Chair will state that the amendment on page 135, in line 23, has been agreed to. The vote whereby it was agreed to may be reconsidered if desired.

Mr. SMOOT. No; that amendment is all right.

The VICE PRESIDENT. The next amendment will be stated.

The LEGISLATIVE CLERK. On page 135, in paragraph 741, at the end of line 23, it is proposed to strike out "1 cent" and insert "2 cents," so as to read:

> Dates, fresh or dried, with pits, 2 cents per pound.

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

The amendment was rejected.

The next amendment was, on page 135, line 24, after the word "pound," to strike out the words "pitted or" and insert "with pits removed, or".

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. HARRISON. Do I understand that the Senator from Utah wants to disagree to the increase in rate recommended by the Finance Committee from 1 cent to 2 cents?

Mr. SMOOT. I do.

Mr. WALSH of Massachusetts. Mr. President, in connection with this paragraph I should like to make an inquiry of the Senator from Utah. In referring to the debate in 1922 upon the item of dates, I observe that the statistics at that time showed that the amount of dates produced in California was approximately 145,000 pounds, valued at only $29,000, and that the imports in 1920 amounted to $36,000,000 pounds, valued at $2,234,000. So it seems that the domestic production then was negligible. A very high duty was levied in the act of 1922, and I should like to inquire if there has been any increase in the production of dates under the high duty levied in the act of 1922?

Mr. SMOOT. In 1927 there were produced in the United States 625 tons of dates.

Mr. WALSH of Massachusetts. What were the imports?

Mr. SMOOT. In the same year—1927—there were imported 41,381,880 pounds.

Mr. WALSH of Massachusetts. There has been practically no narrowing of the spread between the domestic production and the imports.

Mr. SMOOT. In 1928 the imports were 46,422,505 pounds, and there were 500 acres in bearing in 1922 in the United States and the nonbearing acreage was 2,240. The production in 1928 is not given in the Summary of Tariff Information. The 1927 production is the last given.

Mr. WALSH of Massachusetts. The Senator, I am sure, will agree with me that the duty imposed on dates is paid by the consumer; and I am very glad to know that the Finance Committee have reversed their position and now favor a lower duty than they first reported on dates fresh or dried with pits.

Now, I should like to inquire of the Senator about the next amendment. To the one pending immediately I do not think there is any objection, but I should like to ask what the change from the rate of 35 per cent ad valorem on dates with pits removed or prepared or preserved and not specially provided for to 5 cents per pound represents in ad valorem terms.

Mr. SMOOT. The 35 per cent ad valorem represents about four one-hundredths cent a pound.

Mr. WALSH of Massachusetts. In view of the fact that these duties are most effective and that every cent levied in this in-

stance will reach the consumer's pocket, does not the Senator think that the rate of 5 cents a pound ought to be reduced to 4 cents, which would be the ad valorem equivalent of the House rate?

Mr. SMOOT. I would rather have the Senate express itself as to that.

Mr. WALSH of Massachusetts. We have not reached that as yet, however.

Mr. SMOOT. No; it will be the next amendment.

The PRESIDING OFFICER (Mr. JONES in the chair). The question is on agreeing to the committee amendment.

Mr. WALSH of Massachusetts. Mr. President, as I understand the pending amendment it is that at the bottom of page 135?

Mr. SMOOT. Yes; that amendment is all right. It merely affects the wording, striking out the words "pitted or" and inserting the words "with pits removed."

The PRESIDING OFFICER. The question is on agreeing to the amendment in line 24 on page 135.

The amendment was agreed to.

The next amendment was, in paragraph 741, page 136, line 1, after the word "for," to strike out "35 per cent ad valorem" and insert "5 cents per pound," so as to read:

With pits removed, or prepared or preserved, not specially provided for, 5 cents per pound.

Mr. WALSH of Massachusetts. Mr. President, may I have the attention of the Senator from Utah and his expert? I understand that the duty of 5 cents per pound which it is proposed by the committee to substitute for the House rate of 35 per cent ad valorem is an increase over the House rate of about 1 cent per pound.

Mr. SMOOT. That is true.

Mr. WALSH of Massachusetts. Now, I should like to ask the Senator what is the rate under the present law in terms of an ad valorem rate?

Mr. SMOOT. I shall have to figure that out.

Mr. WALSH of Massachusetts. The Senator from Maryland [Mr. TYDINGS] on my left says it is 28 per cent.

Mr. TYDINGS. It has to be. The original rate is 35 per cent, and that is equivalent to 5 cents, and one-fifth of it would be 7 per cent, reducing it to 28 per cent.

Mr. WALSH of Massachusetts. Another expert on my right informs me that the rate under the present law is 35 per cent ad valorem.

Mr. SMOOT. Yes; the rate under the present law is 35 per cent ad valorem; but I understood the Senator to ask what ad valorem rate 5 cents a pound would be as compared with the 35 per cent ad valorem.

Mr. WALSH of Massachusetts. I suggest to the Senator that he modify his amendment by making the rate here the rate under the present law and the House rate, namely, 35 per cent ad valorem.

Mr. SMOOT. The only way to do that would be to reject the committee amendment.

Mr. WALSH of Massachusetts. Will the Senator agree to that course so far as he can?

Mr. SMOOT. I will ask the Senator from California to respond to that inquiry.

Mr. SHORTRIDGE. Mr. President——

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

Mr. WALSH of Massachusetts. I yield; in fact, I yield the floor, with the statement that I hope the House rate will be restored.

Mr. SHORTRIDGE. I do not wish to enter into any discussion of this item. I think I have the right to assume that the Senate committee gave some thought to the item and agreed to report it as we find it here in the bill.

Mr. WALSH of Massachusetts. Evidently the Senate as a whole, by their actions, have not indicated that they thought the Senate committee gave much consideration to anything in the bill.

Mr. SMOOT. I should not want that remark to go without challenge.

Mr. SHORTRIDGE. Mr. President, I interpret the action of the Senate this morning to be an extreme compliment to the committee; but, be that as it may, I submit that the rate as reported should stand.

I do not care to enter into a discussion to point out the difference in the cost of planting, raising, and producing dates in California and in Mesopotamia. If gentlemen who are scholars and historians and geographers will fix their minds on Mesopotamia, now called Irak, which is a crime—the word "Mesopotamia" was the one which caused the old lady to weep, you remember, it being so mellifluous—if they will fix their minds on Irak, and see the camels and the Arabs, or whatever race now inhabits Irak, bearing in these dates and throwing them into the dust and gathering them up, and then getting them here to America and palming them off on the credulous Americans, and then turn his gaze to Imperial County, Calif., where the sun showers down his gold and the moon scatters her silver, and compare the cost of production, I feel that the scholarly Senator from Massachusetts will be well content to let the bill fix a duty of 5 cents on this particular article.

Mr. McKELLAR. Mr. President, may I ask the chairman of the committee what is the difference between the 35 per cent and the 5 cents a pound?

Mr. SMOOT. The 35 per cent would be 4 cents a pound.

Mr. McKELLAR. Just a difference of 1 cent?

Mr. SMOOT. A difference of 1 cent a pound.

Mr. SHORTRIDGE. Finally, Mr. President, I understand that the amendment which I intended to propose may hereafter be proposed, and, if adopted, will rectify any wrong which the Senate now may commit.

Mr. SMOOT. That is true, if there is any wrong committed.

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

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

Mr. SHORTRIDGE. I yield.

Mr. COUZENS. Why not accept the suggestion of the Senator from Massachusetts, and depend upon his proposition carrying when it comes around?

Mr. SMOOT. That will be the same thing.

Mr. SHORTRIDGE. If the Senators will not feel themselves estopped——

Mr. COUZENS. Why, certainly not.

Mr. SHORTRIDGE. But will keep an open mind, and not feel themselves committed eternally, of course I have nothing further to say.

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

The amendment was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment.

The next amendment was, on page 136, line 3, after "Paragraph 742," to strike out "grapes in bulk, crates, barrels, or other packages, 25 cents per cubic foot of such bulk or the capacity of the packages, according as imported" and insert "grapes, in their natural state, or sulphured, 5 cents per pound, including the weight of containers and packing," so as to make the paragraph read:

PAR. 742. Grapes, in their natural state, or sulphured, 5 cents per pound, including the weight of containers and packing; raisins, 2 cents per pound; other dried grapes, 2½ cents per pound; currants, Zante or other, 2 cents per pound.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah the significance of this proposed change? What is the present rate on grapes?

Mr. SMOOT. Twenty-five cents per cubic foot, as the House provides. I will say to the Senator that the reason why this change was made was that they are luxuries of the highest type. It is true that there is an increase. I think California is about the only place in the United States that raises them; is it not, Mr. President?

Mr. SHORTRIDGE. Well, perhaps so.

Mr. SMOOT. These grapes are shipped in sawdust, and are the highest type of luxury.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maryland?

Mr. COPELAND. I yield.

Mr. TYDINGS. I shall have to take issue with the Senator from Utah in that statement. When grapes are turned into wine, they really become a necessity.

Mr. SMOOT. But these grapes are not the kind that are turned into wine.

Mr. HARRISON. Mr. President——

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

Mr. COPELAND. I do.

Mr. HARRISON. Before the Senate votes on this item I think the Senate should know that the production of grapes in the United States is 5,272,000,000 pounds, the importations are 1,381,000 pounds, and the exportations are 53,500,000 pounds.

Mr. COPELAND. Mr. President, it is true that we import some grapes. Those that we import come largely from the Argentine, and they come at a time of year when there is absolutely no competition in America. They come in March, April, and May.

Mr. WALSH of Massachusetts. Mr. President——

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

Mr. COPELAND. I do.

Mr. WALSH of Massachusetts. In order that we may follow the able argument of the Senator from New York, and for the benefit of some of the Senators in this part of the Chamber who did not hear his colloquy with the Senator from Utah, will he inform us whether the Senate committee amendment increases the present rate or not, and how much?

Mr. COPELAND. It does. The Senator from Utah stated that the proposed amendment increases the rate on grapes. I pointed out, or attempted to do so, that we import only a very limited quantity of grapes—last year, 138,000 cubic feet; in value only $317,000—while the value of the domestic crop ran into enormous sums. These are fresh grapes, that come in in their natural form.

Mr. WALSH of Massachusetts. May I inquire from the Senator whether the able Senator from Mississippi [Mr. HARRISON], representing a great agricultural State, favors the Senate committee amendment?

Mr. HARRISON. Mr. President——

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

Mr. COPELAND. I do.

Mr. HARRISON. I think that there is absolutely no justification for this increased rate. Indeed, I think it is a very good place to reduce the rate; but the matter has been carried in previous bills. The law of 1913 carried a duty of 25 cents per cubic foot. The last act, that of 1922, carried the same duty. The exportations of this article are fifty times the importations, and the production is five hundred times as much; and there is no justification for the increase.

Mr. WALSH of Massachusetts. Mr. President, I am glad to have that observation from the Senator from Mississippi, and I want to say to him that I hope his desire for speedy action upon this bill will not lead him to refrain from assisting the Senator from New York and myself in seeking to reduce some of the rates in the agricultural schedule.

Mr. COPELAND. I think I may say to my friend from Massachusetts that we may be congratulated that we have gained this morning so able a champion as the Senator from Mississippi. I am sure that from this time forward he is going to assist us and instead of having two representatives of the consumers we will have three.

Mr. HARRISON. Mr. President——

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

Mr. COPELAND. I do.

Mr. HARRISON. There are many items of increases in the agricultural schedule that I do not approve of at all; and I am not going to vote for increases unless there is shown some real competition between the foreign article and the American article. This is one of the instances where it seems to me that we are trying to go too far, because there can not be justification for an increase where the exportations are so tremendously more than the importations; and there are other items of the bill that are of the same character.

It does seem to me that in writing the agricultural schedule we ought to try to have our action guided by some rule of reason. There ought to be some competition, at least, between the American product and the foreign product before we give increased rates.

Mr. COPELAND. I thank the Senator from Mississippi for what he has said.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from New York yield?

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

Mr. COPELAND. I do.

Mr. WALSH of Massachusetts. I desire to express my appreciation also, and I hope the Senator from Mississippi—who, I know, is most anxious to expedite action upon this bill—will not feel that he should refrain from expressing his objection to the various increases that are urged in the argicultural schedule.

Mr. HARRISON. With the permission of the Senator from New York, may I say that when the Senate committee amendments have been acted upon there are some rates carried in the House bill that, in my opinion, should be reduced and to which we will offer some amendments, in some instances to reduce them somewhat. For instance, I think the duty on lard and lard compounds, because of the enormous exportations and because of the very small importations, can stand a reduction; and I think on hams and shoulders and some of those commodities which are agricultural products, because of the tremendous exportations and the enormous production and the slight importations, there should be some reduction.

As to many of these items which the Senate has increased the rates there is some justification for the increase, and as to others there is not.

Mr. COPELAND. Mr. President, I have stated that the grapes we import come from the Argentine. I want Senators to bear in mind, too, that Argentina is one of the best customers for American fruits. It buys our apples, our peaches, our apricots, our canned pineapple, and many other products sent out from here to the Argentine. The seasons there are reversed from ours. When it is winter here it is summer there, and when it is summer here it is winter there. So, as I have said, these products from the Argentine come in at a season when they do not compete with any American products, and I hope there will be no hesitation on the part of the Senate to vote down the amendment.

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

Mr. COPELAND. I yield.

Mr. FLETCHER. The statement has been made that this amendment would bring about an increase, but no one has yet said what that increase would be. Can the Senator advise us the extent of the increase?

Mr. COPELAND. I will refer the Senator to the Senator from Utah.

Mr. SMOOT. I will look the figure up.

Mr. COPELAND. There is an increase.

Mr. SMOOT. There is no doubt about that.

Mr. COPELAND. Whether it is a small increase or a large increase, it is an increase.

This business has been built up under the tariff law of 1922. Our American grape industry has prospered. I do not undertake to say why California has had such remarkable prosperity in the grape business for the last several years, but, anyhow, there has been prosperity everywhere.

Mr. SMOOT. Mr. President, it would be an increase of from about 88 per cent to 100 per cent.

Mr. COPELAND. Practically twice as much as the rate on grapes at the present time.

Mr. SMOOT. No; this applies to hothouse grapes.

Mr. COPELAND. It would be an increase from 88 per cent——

Mr. SMOOT. No; an increase of 88 to 100 per cent.

Mr. COPELAND. Practically double what it is at present.

Mr. SMOOT. This refers to a hothouse grape, and only a hothouse grape. I am not saying, however, that the rate is justified.

Mr. COPELAND. The Senator thinks it is not justified?

Mr. SMOOT. I am simply answering the Senator's question as to what increase it would represent.

Mr. COPELAND. This is a farm relief bill. The people in the Argentine are buying the products of our farms, and the bringing in of a product which they can send here at a time when our grapes are not available certainly should not be interfered with by any action we may take.

Mr. SHORTRIDGE. Mr. President, just a word or two. This matter was gone into in great detail by the committee. I then had data and argument at my tongue's end.

It is true that this is an increase over the present rates. This provision relates to a winter product, a hot-house product, so to speak. Competition comes from the Argentine and from Chile.

Applying the true standard of measurement, differences in costs of production, the rate which we now ask, and which the Senate committee adopted, is needed. I do not care to take up the time of the Senate to go into details; I hope the action of the committee will be adopted by the Senate.

It would be merely multiplying words and restating facts to go ahead and say more. I repeat that sometimes I have opposed the action of the committee, of which I am a member, but when I did so I recurred to the position I took in the committee and restated the reasons why I opposed the action of the committee. But there is no reason here assigned by those in a sense authoritatively speaking for the committee to show that its action was erroneous.

I submit that the action of the committee should be approved.

Mr. WALSH of Massachusetts. Mr. President, in view of the evidence submitted I hope the amendment will be rejected. It seems to me clear that this large increase is not justified.

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

The amendment was rejected.

Mr. SHORTRIDGE. Mr. President, I suppose I have the right without reserving it to bring the matter up and call for another vote when the bill is reported to the Senate.

Mr. SMOOT. Reserve the right, anyhow.

Mr. SHORTRIDGE. I reserve that right.

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

The next amendment was in paragraph 743, page 136, line 10, where the committee proposed to strike out "2 cents" and to insert in lieu thereof 2½ cents," so as to read:

Lemons, 2½ cents per pound.

Mr. COPELAND. Mr. President, I want to hear a defense of this proposal. The lemon is a fruit used in every household, and what justification is there for an increase? What is the present rate?

Mr. HARRISON. Two cents.

Mr. COPELAND. What justification is there for an increase?

Mr. JOHNSON. The justification is that it is an absolute necessity.

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

Mr. COPELAND. I yield.

Mr. HARRISON. The picture is different in the case of lemons from what it was as to grapes. There was a case where the exportations were fifty times the importations. Here is a case where our production is substantial, 525,000,000 pounds. The imports amount to 70,000,000 pounds and the exports to 18,000,000. There is a competition between the foreign lemon and the American lemon, so there is a justification for a reasonable rate on lemons.

Mr. JOHNSON. I thank the Senator; and in order that we may proceed with rapidity, I think nothing further need be said upon the subject.

Mr. COPELAND. Mr. President, I am glad that the matter is so thoroughly settled; I am not going to let it go, however.

I hope Senators will not think for a moment that I am enjoying the morning.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. I think attention ought to be called to the fact, in connection with the statement of the able Senator from Mississippi, that though there is a substantial production in this country, the production has increased since 1922 under the duty that was then levied. I think the production has nearly trebled under the duty provided in the act of 1922. It does not seem to me that further increasing the duty is going to stimulate the production any more than it has been stimulated by the duty already levied in the present law.

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

Mr. COPELAND. I yield.

Mr. TRAMMELL. I want to say to the Senator from Massachusetts that that would be the natural increase from the groves that were planted in 1922 without any great expansion or enlargement of acreage. The citrus-fruit trees grow and enlarge and increase their crops. I do not know how it has expanded, but, at the same time, that would be a natural increase. There would be naturally more shipped now than in 1922.

Mr. COPELAND. Mr. President, I suppose we are determined in this matter to go forward no matter what happens. Here is an industry which is prospering now in the United States, so far as I know, raising a product which is used in every American home. We have certain debts on the other side which we are hoping to have paid. I do not know how in the world we are going to get any of the money back from Europe that we have loaned to them if we place a practical embargo upon everything that comes from the Old World.

Within the last two months I have seen with my own eyes just exactly what the suffering is in Europe. I thought I knew about slums. My duties for a good many years made it my business to know about conditions of health, but I want to say that never in any American city have I seen the distress and the ill health that I saw this summer in practically every one of the capitals of Europe. Unemployment, poverty, distress, disease, and death! That is what we are facing.

It may be said, "My first interest is to America and to American citizens." I agree with that. But why should we impose upon any country of Europe or any country of the world unnecessary economic burdens?

We are dealing now with an industry that is prospering; going along all right. Production is increasing all the time, and the demand for lemons is increasing every day, because every health writer and physician all over the world is to-day recommending the use of citrus fruit, and pointing out its tremendous importance to the welfare of people. But just because one section of our country which is tied up to this bloc is the producer of this fruit, it is urged we must put the tariff up and increase the cost of lemons in every household in the United States.

It is utterly useless to say anything; I know that. I am not foolish enough to believe that I am going to influence a single vote; but I want to have the people of the United States know what is going on in the United States Senate. When this bill becomes a law there will be a burden of taxation imposed on every home in the United States. The cost of living in every household will be increased. I want every housewife and every man who brings home the pay envelope to know what is going on. There is a concerted move on to so increase the cost of the things needed to sustain the very lives of our people that there will be suffering everywhere and complaint everywhere.

Do not believe, my friends, that you are going to get away with this thing without a protest on the part of the voters of the United States. Every man in the Congress who votes these outrageous prices upon the necessities of life and those things which go into the homes will feel the effect of this when he comes up for election again.

I am willing to take my full share of the responsibility for increasing rates on those things as to which it can be demonstrated an increase is needed by the industries of the United States. There are industries in my State on the products of which there must be increases in the tariff duties if there is not to be destruction of the industries. But when we come to this particular item, and others we have discussed this morning, and more we will discuss during the day, I am here to say in solemn terms that the Members of the Congress will pay the political penalty for their votes. I am sorry, indeed, that I have to pose as a prophet of that sort, but that is the way I feel about it.

Go ahead and raise the tariff on lemons if you like, but I am here to say there is no justification for it. I believe the people of the United States will take exactly the same view that I am expressing here this morning.

Mr. WALSH of Massachusetts. Mr. President, I send to the desk a newspaper clipping under date of October 9, 1929, relating to lemons, which I ask to have read.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

SICILY LEMONS BOUGHT AS UNITED STATES PRICES SOAR

BOSTON, October 9.—The lowly lemon, of which Richard Carle, comedian, once said during a musical comedy, "Roll on, silvery moon," as he rolled it across the stage, is now elevated to the luxury. This announcement is made by the special commission on the necessities of life, which notes that the retail price of this fruit in the market now runs upward of $1 a dozen. Lemons, the commission finds, are not much in use outside of households that pay no attention to the element of cost, and small dealers are dropping the yellow fruit from their stocks of goods, so their use has been generally curtailed.

The reason for the present high price of lemons is stated by a big fruit exchange thus: "The shortage of supply, as at this time in California it is between crops and the new crop coming in is late and what is left of the old crop is being cleaned up." It is further said it will be two months before the supply is normal again.

Incidentally, high prices in this country have stimulated importation of Sicily lemons, and while the cost is much lower, even with the added duty of about 60 per cent, prices in this market and at retail seem to be governed by the price of the California supply. It is not easy to find a substitute for lemons, but they are not included in the essential commodities necessary for the diet; and householders, by reducing their current demand, can effectively meet the present situation, the commission says.

Mr. WALSH of Massachusetts. I ask to have another article upon the same subject inserted in the RECORD without reading.

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

The article is as follows:

[From the Journal of Commerce, New York, Wednesday, November 6, 1929]

FAVORS REDUCTION OF DUTY ON LEMONS—ITALIAN COMMERCE BODIES SAY DOMESTIC GROWERS ARE PROTECTED

That the California growers of citrus and dried fruits are trying to raise a wall against importations of lemons and walnuts from Italy, as other growers on the Pacific coast have already tried and succeeded with regard to other fruits, such, for instance, as cherries in brine, is the contention of the national tariff committee of Italian chambers of commerce and boards of trade in the United States and the Food Merchants' Protective Association of New York.

Louis J. Scaramelli, chairman of that committee, pointed out that this purpose is evident in the demand made by California growers for a further increase of duty on the above commodities, which during the last

eight years have seen their importation to the United States hindered by the tariff even as it is at present, causing a very great reduction in the quantities imported. Moreover, the rules and regulations of the Department of Agriculture during the last few years have already totally excluded the importations of oranges and fresh grapes from Mediterranean countries, including Italy, he said.

DOMESTIC LEMON GROWERS

"Yet," says Mr. Scaramelli, "domestic lemon growers have unquestionably enjoyed an enviable prosperity for many years and reaped large profits from the steady commercial growth of their business, due to the naturally good quality of their fruit, properly selected and graded. The yearly consumption of domestic lemons is over 300,000,000 pounds, as against 35,000,000 pounds imported from Italy. Domestic lemons have been selling at prices averaging about 25 per cent above that of imported Italian lemons.

"Lemons are used both for beverage and medicinal purposes, and the American farmer is undoubtedly among the largest consumers of this fruit. Therefore, he will pay more than he may be getting if the rate of duty is increased. Since the enactment of prohibition lemonade has become a common table necessity for people of moderate means, so that an increased rate of duty will be borne mostly by the working classes without giving any benefit to farmers.

"It is very important to note that Italian lemons are consumed very largely in hospitals and other health institutions because of their higher percentage of acids. It should also be borne in mind that before the passage of the present tariff in 1922 the importation of Italian lemons was about 75,000,000 pounds, whereas it is now reduced, as stated, to as low as 35,000,000 pounds.

"The argument which California growers believe to be the strongest on their behalf is that they can not meet the competition of Italian lemons in New York; yet the same growers meet successfully the same competition on all the Canadian markets, including northeastern Canada, and go as far as to bringing competition against Italian lemons in England. Surely if they are able to meet such competition in Canada, and even in England, then they must be in a much better position to meet it in New York.

"Under the tariff act of 1913 duty on lemons was about one-half cent per pound. In 1922, when the present tariff was enacted, duty was raised to 2 cents per pound, and the bill now before the Senate would raise it to 2½ cents per pound. It is impossible to understand how this increase would benefit anyone, whether farmers, consumers, or manufacturers of medicinal preparations and beverages, outside of a small group of California producers who are known to have enormously prospered in the last 20 years.

"The National Tariff Committee believes that duty on lemons, far from being increased, should be reduced to 1 cent per pound."

DOMESTIC WALNUTS

Still, according to Mr. Scaramelli, the importations of walnuts in shell from Italy calls for different considerations, but nevertheless just as strong. California walnuts sell at a price which is about 25 per cent higher than the highest prices obtained by imported walnuts, and that principally on account of the quality of the domestic product, and there is a very steady demand for domestic walnuts which has brought about a remarkable prosperity among American growers. "This is sufficient demonstration to the effect," he said, "that American walnut growers do not need a stronger protection than that which they already enjoy, viz, 4 cents per pound on walnuts in the shell. On the contrary it is clear that a reduction on the present rate of duty would be in order. It is necessary to consider not only the direct consumption of the fruit itself but also the requirements of American confectioners in its use by them.

"Confectionery is a very popular industry," continued Mr. Scaramelli, "spread all through the country and of the first magnitude. Confectioners can not always use the high-priced domestic walnuts, but when catering to people of moderate means they require a cheaper-priced walnut. The present rates of duty already taxes the consumer of moderate means, and any increase such as proposed in the Senate tariff bill, which would bring the rate of duty on walnuts in the shell to 5 cents per pound, would be beyond reason and greatly detrimental not only to the ultimate consumer but also to a very important American industry. Therefore the rate of duty of walnuts in the shell should be reduced to 2 cents per pound."

Mr. WALSH of Massachusetts. Mr. President, repeating what I stated yesterday and on several other occasions, may I say to the Senator from New York, I am in accord with his views as to the political effect of the outrageous increased duties being levied in this schedule. I do not know where the public will place the blame. The so-called reactionary Republicans are responsible, in the first instance, for recommending the increases. The increases were demanded and are being voted for by the Senators representing the so-called progressive Republican group. All Senators at election time must face this issue with the American public. The average man and woman can not always visualize how an increased duty upon an automobile or upon steel or manufactured products operates against them, but they can visualize what an increased duty may mean upon the things that they use every day in their lives and which constitute the very essentials of life.

I fear very much that there will be an accounting demanded, particularly in our industrial centers, because of the increased rates upon food products that are being continuously voted into the bill. I can not understand how Senators on the other side of the Chamber from the great industrial States where the consuming population is the largest percentage of the people, when we consider the evidence of exports and imports and the fairly prosperous condition of the producers can justify these great increases in the rates which mean, if they mean anything, that the American people have got to pay very dearly for them by increases in their cost of existence.

To illustrate, lemons were selling prior to the enactment of the law of 1922 for $1.50 to $2.50 per crate. Lemons are now selling at from $8 to $16 per crate. An increase in the tariff duty when this fruit is at that high price is going to be vigorously protested by the American public, when they realize what has happened and its causes.

I hope, and I say this sincerely, that my associates upon this side of the aisle, especially those who are not from States like Florida, where there naturally would be a keen interest in favor of increased duties, will appreciate the accountability which we may have to give if we vote into the bill large increases, and then vote for a bill containing these excessively increased duties upon food products.

If I have understood the position of the Democratic Party in the past with respect to the tariff, it has been that it sought to keep in mind the consumer in the application of any protective-tariff theory, that it did not consider alone the protection of the producer, that it did not consider alone the condition and protection of the worker, but that it had in mind that there is a third interest, a vitally important interest, the consumers' interest. I sincerely hope we will move cautiously and carefully and keep down as low as possible the many increases which have been recommended by the majority members of the Finance Committee.

Mr. HARRISON. Mr. President, of course, as to innumerable agricultural products because of the large exportations and small importations the Senator and I agree that the tariff is ineffective. The Senator from Massachusetts too knows full well that this is the first time there has been an opportunity to get some relief where agricultural products are exported in large quantities and where there are small importations—where through the application of the debenture there might be some relief obtained. So from the Democratic standpoint, in cases like that, there is some reason for voting for reasonable increases in some instances on agricultural products.

Mr. COPELAND. Mr. President, let me say to my friend from Massachusetts that I thank him for what he has said. I feel very keenly this morning the significance of what we are doing here. When we invade the American home and, as in this instance, go into the sick room where lemons are used, and into the nursery, I do not see how we can justify our action. When we have a great farming country where wheat is grown the problem there can not be solved except by governmental aid, which I am glad to grant. But at the risk of being a bore to my colleagues, I shall never remain in my seat with my tongue quiet under circumstances like these. I want the country to know what we are doing here. We are stalking into every home in the United States, we are bursting open the door, and we are doing things which in this instance will lower the health and vitality of our dear ones who, in illness as well as in growth, have need of the product under discussion.

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

The amendment was agreed to.

The next amendment was on page 136, line 11, where the committee proposes to strike out "2 cents" and insert "1 cent," so as to read:

Limes, in their natural state, or in brine, 1 cent per pound.

Mr. FLETCHER. Mr. President, I hope the committee amendment will be disagreed to. I can not imagine why the committee should report a reduction in the duty on limes. Limes and lemons are used practically for the same purposes. Limes are not so well known in this country. For my part, I prefer them to lemons. Lemons are not advertised very much and they are not very well distributed for the reason that they are not sufficiently advertised. Limes are produced in this country only in Florida. The only reason I can see for the proposed reduction is because they are produced only in Florida and nowhere else. I insist that the duty ought to be the same on limes as on lemons. The House fixed the rate of duty at 2 cents. I

ask now that the committee amendment be disagreed to and that we keep the duty as fixed in the House text.

Mr. SHORTRIDGE. Mr. President, I fully concur in what the Senator from Florida has just stated.

Mr. FLETCHER. I thank the Senator. The competition comes from Mexico for all the States in the West, as shown by the report of the Tariff Commission, and the competition in the Eastern States comes from the West Indies.

Mr. TRAMMELL. Mr. President, we hope that the Senate committee amendment will be rejected and the rate restored to the House basis of 2 cents per pound. Of course our competition is next door, coming from Cuba, and without ample protection the lime industry of Florida will be very much endangered by importations from Cuba. The result, of course, would be very detrimental to the industry in Florida.

Mr. WALSH of Massachusetts. Mr. President, I do not care to take any more time or present any argument in opposition to the pending amendment, but I would like the RECORD to show the rate upon lemons prior to the enactment of the law of 1922, the rate as provided in the law of 1922, the rate as proposed by the House, and the rate as proposed by the Senate Finance Committee and just agreed to. I should like to have the various rates shown in ad valorem terms. The experts for the Finance Committee can give that information so we may have it placed in the RECORD. I shall not detain the Senate, but I will ask permission to have it inserted in the RECORD in connection with the remarks I am now making so that the public will have an opportunity to see the great increases that have been levied since 1922 upon lemons.

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

The statement of rates is as follows:

Lemons	
Rates of duty:	Cents per pound
1913	½
1922	2
House	2
Senate committee	2½
Equivalent ad valorem rates:	Per cent
1913	15.92
1922	63.68
House	63.68
Senate	76.60

The PRESIDING OFFICER. The question is upon agreeing to the adoption of the amendment of the committee in line 11, relating to limes.

The amendment was rejected.

The next amendment of the committee was on page 136, line 12, where the committee proposes to strike out "1½ cents" and insert "1 cent," so as to read:

Grape fruit, 1 cent per pound.

Mr. COPELAND. Mr. President, I would like to know why in the name of high heaven the committee proposes a reduction on a luxury like grapefruit and imposes an additional tax upon a necessity like lemons. One is used everywhere, and the other is a luxury. I would like to know from some member of the Finance Committee what mental process led to such a decision.

Mr. SHORTRIDGE. Mr. President, some time hereafter, when we are all in good humor, and I have nothing else to do, I may undertake to explain why I voted so-and-so, if permitted under the rules of the Senate Finance Committee. But for the moment, it is enough to say I think the rate on lemons has now been fixed correctly. I agree with the Senator from Florida that the Senate committee amendment, striking out 1½ cents and inserting 1 cent, should be disagreed to.

Mr. COPELAND. Mr. President, it is very apparent then that the spirit of the committee is against the amendment. It inadvertently got here, but it is an amazing thing to think that a committee of the United States Senate having in charge the consideration of tariff rates on citrus fruits would increase the tariff on a necessity used in every home in the United States, and then propose to reduce the tariff on grapefruit, of which we can buy a one-half portion in any hotel for 25 cents. It is an absurdity. It is beyond all possibility of reasonable explanation.

Mr. SHORTRIDGE. Mr. President, will the Senator be good enough to tell me the hotel where we can buy half a grapefruit for 25 cents?

Mr. COPELAND. I did place it too low. I think the hotel patronized by the Senator from California would charge at least 40 cents. I apologize for the mistake.

Mr. WALSH of Massachusetts. Mr. President, more amazing than the inconsistency of the Senate Finance Committee in increasing the duty on lemons and decreasing it on grapefruit, is the fact that the plea in behalf of the infants, the sick, and the poor of the country is unheard; that no response is made to it here on the floor of the Senate, and that notwithstanding the pleas of the Senator from New York and my feeble efforts to impress the Senate how these increases will affect the consumers, the Senate actually votes at every opportunity to increase rates beyond those recommended by the Finance Committee.

I have before me the equivalent ad valorem rates upon lemons. I want the RECORD to show the figures. I wish the press would especially take notice, so that the lemon consumers of the country may know what has happened here to-day in regard to lemons.

Prior to 1922 the equivalent ad valorem rate upon lemons was 15.92 per cent. The law of 1922 increased that equivalent ad valorem rate to 63.68 per cent. The much criticized House bill fixed the rate the same as the present law, at an equivalent ad valorem rate of 63.68 per cent. The Finance Committee recommended and now by vote, without a roll call, the Senate has fixed the equivalent ad valorem rate upon lemons at 79.60 per cent, which means that a crate of lemons that cost $5, when the duty is applied, will cost the consumers between $9 and $10.

The public can understand the interest that prompts the Senators from California and Florida to vote these increases, but what explanation can the 91 other Senators make?

Mr. President, I do not think the Senate appreciates that there will be more criticism and more denunciation of the bill we are constructing here than of the House bill; and we know how infuriated the people were over the rates fixed in the House bill, because, as the Senator has said, we have gone into the homes and the hospitals and onto the tables of the poor by these tremendous increases imposed on food, on bread, and I use the word "bread" to include all that is needed to nourish the human body. It is outrageous, unjustifiable, and indefensible. Before we get through this bill will cause the public to cry to heaven for vengeance more than they did over the House bill. I hope the Senators will at least give us a chance to have a roll call on some of these amendments, so that we may let our constituents know who is voting to increase the cost of a dozen of lemons from approximately $1 to $2. I hope, at least, that Senators on the other side will give the small minority in this Chamber, which is seeking to protest against this raid upon people who now are able to earn hardly enough money upon which to subsist, record votes from time to time upon these increases.

Mr. COPELAND. Mr. President, I thank the Senator from Massachusetts for what he has said. We need nothing more than this one paragraph to point out to the people of the country what is going on here. It is proposed to increase the tariff on lemons, which are used everywhere, and to decrease the tariff on grapefruit, which is used on the tables of the rich. Let us tax the mattresses, the kitchen tables, and the cotton clothing of the people, but let us bring in diamonds and sealskin coats and pianos at a low rate in order that the poor suffering rich may have their luxuries.

It is outrageous, and I plead, with my friend from Massachusetts, that there may be roll calls on these items in order that the people may place the blame where it belongs.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from New York yield to me?

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

Mr. COPELAND. Yes.

Mr. WALSH of Massachusetts. A good deal has been said in the course of this debate with respect to the influence of the Senators from Connecticut, New Jersey, and Pennsylvania in framing the rates fixed by the Senate Committee on Finance. In view of what has been disclosed here this morning, I am sure we shall have to agree that there ought to be another State included. I think the Senator from the State of California [Mr. SHORTRIDGE], who so generously votes for every increase for every State on every article, no matter who proposes it and regardless of any yardstick measure of protection, ought to be included among those Senators who have the honor and distinction of framing this bill and making these increased rates.

Mr. HARRISON. Mr. President, will the Senator from Massachusetts yield to me?

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

Mr. WALSH of Massachusetts. I yield.

Mr. HARRISON. May I say to the Senator from Massachusetts that it does look suspicious that the rate on lemons has been increased, and that the rate on grapefruit, which is not produced in California to the extent to which it is produced in Florida, has been reduced? Let us admit that the Senator from California is one of the leaders of the subcommittee which drafted the agricultural schedule——

Mr. WALSH of Massachusetts. I do not think he was merely one of them; I think he was the chief in voting increased rates.

Mr. HARRISON. But, Mr. President, that fact ought not to impugn the motives of the distinguished Senator from California. It is true it looks suspicious; it looks as though he wants to take care of California in the case of lemons and not to take care of Florida, but to reduce the rates on the products of Florida. Some people think there is a good deal of competition between Florida and California with reference to climate and other things, although it is pretty generally understood now that neither is in competition with Mississippi.

Of course, everyone knows that the Senator from California would not "take it out" on Florida and boost the rates affecting California, because if there is a high protectionist in the Senate and one who believes in getting protection for every part of the country and on every commodity that is grown or can possibly grow in the United States it is the Senator from California. I thought I ought to say that much for fear some people might think he had acted wrongly in this particular instance.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Mississippi, who is charged with representing the minority on this schedule, ask unanimous consent that the vote on the amendment affecting lemons be reconsidered, so that we may have a record vote on that question? If the Senator does not want to do that, for some reason or other, I will make that request. I ask unanimous request in view of the additional debate and information we have had upon this question that the vote whereby the duty on lemons was increased may be reconsidered.

Mr. JOHNSON. I object.

The VICE PRESIDENT. Objection is made.

Mr. WALSH of Massachusetts. I see that the objection comes from California.

Mr. TRAMMELL. Mr. President, I think we are ready for a vote on the question of the duty on grapefruit. The House fixed the rate at 1½ cents and the Senate committee recommended an amendment to cut it to 1 cent a pound. We feel that the House rate was reasonable and thoroughly justified, and that the great grapefruit industry in Florida—and the industry is developing more or less in other sections of the country—is deserving of the rate fixed by the House of 1½ cents. I hope that the Senate committee's amendment will be rejected.

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

The amendment was rejected.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. In paragraph 747, on page 137, line 4, after the word "dried," it is proposed to insert "desiccated, or evaporated."

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Utah explain how it happens that the Senate has rejected all of the increased duties recommended by the committee as to other products than those in the agricultural schedule. When the majority members of the Finance Committee have recommended increases on agricultural products, the duties have invariably been voted into the bill or actually increased by the Senate.

Mr. SMOOT. The only answer is that a majority favor the increases.

Mr. WALSH of Massachusetts. Here are two or three items where the Finance Committee recommended a decrease over the House rates, but the Senate has rejected the amendments and restored the increases provided by the House.

Mr. BORAH. Mr. President, that is what we are here for.

Mr. SMOOT. Mr. President, the Senator from Idaho expresses the situation very well.

Mr. BORAH. Precisely.

Mr. WALSH of Massachusetts. So the majority of the Senate is carrying out the program suggested by the Senator from Idaho, namely, to reduce rates upon the manufactured commodities and increase the rates upon all agricultural products.

Mr. BORAH. Mr. President, if the Senator wants to get into a discussion as to the comparative protection afforded as between that part of the country which he represents, the industrial section, and the agricultural section, we will be very glad to take it up.

Mr. WALSH of Massachusetts. I should be very glad to enter into a discussion with the Senator, but we are not now discussing the particular agricultural products of the section of the country in which the Senator from Idaho is interested; we are discussing agricultural products of the State of California.

Mr. BORAH. Well, California is very close to Idaho, and it relates to agriculture.

Mr. WALSH of Massachusetts. And it has two votes for this bill.

Mr. EDGE. Mr. President, will the Senator from Massachusetts yield to enable me to ask a question of the Senator from Idaho?

Mr. WALSH of Massachusetts. I yield the floor.

Mr. EDGE. Mr. President, I do not care to engage in a discussion that might take a long time, as I realize every Senator wants to get this bill along as rapidly as possible. However, if the debate the Senator from Idaho suggested as to the comparative degree of protection accorded to industry and to agriculture should be entered into, does the Senator from Idaho think for one moment that he can demonstrate that the rates which are being adopted by the Senate applying to agricultural products are limited, so far as it is possible to obtain the information, to the difference in the cost of production at home and abroad in the same degree at least that rates on industrial commodities are so regulated?

Mr. BORAH. Mr. President, without referring now to any particular product either of industry or of agriculture, I will say in answer to the Senator that I would be perfectly willing to take the cost of production at home and abroad and measure the agricultural rates in the bill by that standard. I am perfectly willing to concede that there are duties laid upon agricultural products which are ineffective, and I am not concerned about those; but wherever we can find an agricultural product protection on which can be made effective it is our duty to lay it without any hesitation whatever, because in the case of agriculture the field is very limited where protective duties can be made effective.

Mr. EDGE. If I follow the Senator correctly, then, in such cases, with reference to agricultural products, he is prepared to limit the duty imposed within the scope representing the actual difference in cost of production here and abroad?

Mr. BORAH. Yes.

Mr. EDGE. I return then for a moment to the question of duties imposed on industrial commodities. Certainly it has been demonstrated time after time in this debate that all possible facts that could be asked for, pig iron, for instance, and many other commodities—I will not go into detail—have been produced, showing clearly that the duty did not represent the difference between the cost of production at home and abroad, and yet the Senate has either reduced or denied the duty.

Personally, I would be delighted to see the bill as it affects agriculture and industry, either, and both, represent, as nearly as it is obtainable, the cost difference. I am afraid, however, when this bill is analyzed it will be found continuing the policy that has prevailed that the protection accorded to industry does not anywhere near approach the formula which the Senator from Idaho so frequently states he is ready to follow for both classes of commodities.

Mr. BORAH. Mr. President, industry is now practically enjoying the home market. Ninety-seven per cent of the home market is now in the control of local or domestic industry. To continue constantly to raise the duties upon these items is to put an embargo upon them. Whenever it can be shown that agriculture approaches the enjoyment of the home market that industry has, there will be some reason to object to higher agricultural rates.

Mr. EDGE. Of course an argument of this kind could be endless; but I could point out, and the Senator well knows it is quite easy to do so, many rates that have been reduced by a vote of the Senate below existing law. I have one in mind, synthetic camphor, reduced from 6 cents to 1 cent per pound. The existing law is 6 cents. With all the evidence in the world that a plant is established and preparing to produce this commodity so much needed in this country, yet the Senate reduced the prevailing duty from 6 cents to 1 cent, which of course puts that industry out of business.

Mr. BORAH. What the Senator was undertaking to do in that instance was to put a duty upon anticipation. There was no actual production. You had an organization; you had a scheme; you had an anticipation; and you were asking the people of the United States to tax themselves on that account.

Mr. EDGE. Mr. President, following that line of argument, what was presented as representing the reason for a duty on manganese? It was clearly indicated that the actual production, even though promised seven years ago to be increased, had been actually reduced; but on anticipation that the situation would become better in the next few years, the Senate continued the duty.

I must correct the Senator when he says that the argument surrounding synthetic camphor was based on anticipation. It was demonstrated conclusively over the signatures of officers of the company that synthetic camphor is now being produced, and that within three weeks—we were not willing to wait three weeks—they would produce 500 pounds a day; and the consumers themselves, the pyroxylin manufacturers who use the greater part of this commodity, asked that it be protected so that they could have a domestic supply. They were perfectly ready even to pay a higher price, if necessary, to be assured of a domestic

supply rather than to depend upon Germany and Japan; and yet the Senate reduced by five-sixths the prevailing duty on that commodity.

Mr. BORAH obtained the floor.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. BORAH. Does the Senator from New York wish to ask a question?

Mr. COPELAND. Yes; I desire to ask a question of the Senator from Idaho. He spoke about a tariff in anticipation in reply to what the Senator from New Jersey said. Within an hour we have adopted an amendment to this bill providing for a tariff in anticipation on maraschino cherries. Does the Senator from Idaho approve of that?

Mr. BORAH. No; and I do not approve of the statement of fact.

Mr. President, just a word with reference to manganese. It was upon my suggestion, if the Senator from New Jersey will recall, that the increase did not take place. We simply put it back to the duty that was in the old law.

Mr. EDGE. That is precisely what we wanted to do with synthetic camphor.

Mr. BORAH. Wait a moment. I did not vote for that duty upon the theory that it was a protective duty. I voted for it solely upon the theory that it was a revenue duty. I saw no reason for taking some $7,000,000 out of the Treasury of the United States and putting it into the treasuries of the steel companies of the United States. It was a conceded proposition that it was a revenue-raising duty; and it was not as a protection proposition but as a revenue matter that I voted for it, and so stated.

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

Mr. HARRISON. Mr. President——

The CHIEF CLERK. On page 137, paragraph 747, line 4, after the word "dried," it is proposed to insert "desiccated, or evaporated."

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

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The CHIEF CLERK. On line 5, the committee proposes to strike out "one-half of 1 cent" and insert "2 cents," so as to read:

PAR. 747. Plums, prunes, and prunelles, green, ripe, or in brine, one-half of 1 cent per pound; dried, desiccated, or evaporated, 2 cents per pound; otherwise prepared or preserved, and not specially provided for, 35 per cent ad valorem.

Mr. HARRISON. Mr. President, as a substitute for "2 cents" I move to insert "1 cent," and I do that for this reason:

Under the present law the duty is one-half of 1 cent. That is the duty that has been carried for quite a while; and here is the picture:

Our production is 386,000,000 pounds. The importations when compared to the production are one-fifth of 1 per cent. They are 615,000 pounds. We export of this product 267,000,000 pounds. It does seem, with this small importation and this very large exportation, and no danger of invasion by the foreign product, that those who champion this duty should be satisfied with 100 per cent increase, to raise it from half a cent to 1 cent a pound, reducing the recommendation of the committee from 2 cents to 1 cent.

Mr. SMOOT. Mr. President, I will say to the Senator from Mississippi that the reason why the committee made this increase to 2 cents a pound was to conform to all the other paragraphs with regard to pears and apples and peaches and apricots and other products of a similar character. They could not see that there ought to be one rate upon one of these fruits and another rate upon all the other products of the same character. If we are going to have a duty of 1 cent a pound on dried plums, prunes, and so forth, the same thing ought to apply to all of the other fruits.

Mr. HARRISON. But the Senator realizes that we have not reached that item yet; that that comes in paragraph 748.

Mr. SMOOT. Yes.

Mr. HARRISON. There is no force in the argument that because there is a duty of 2 cents a pound on pears, or something else, we ought to put the same rate on prunes or plums. Let each one stand upon its own footing. To my way of thinking, the best picture that can be presented is the importations and exportations. If the same thing is true with reference to plums when we get down to the other item, if the importations are very small and the exportations are very large and the production is very great, then let us reduce that rate from 2 cents to 1 cent, rather than just lift up the other.

Mr. SMOOT. My answer was in conformity with the question asked me, as to why the committee did it. I am not saying a word as to what it should be or what it should not be; but if we are going to have a certain rate on dried apricots and dried pears and apples and everything else, I can not see why there should not be the same rate here on prunes and plums; that is all.

Mr. HARRISON. The Senator goes on the theory that a person who liked dried plums or dried prunes would have the same taste for dried apples?

Mr. SMOOT. Oh, no!

Mr. HARRISON. Now that is not true; but they are treated in exactly the same way, they are raised in exactly the same way, and they are raised in exactly the same location. I think they are on all fours, and whatever is done with one ought to be done with the others.

Mr. SMOOT. But the Senator does not say that the rate ought to be increased to 2 cents?

Mr. HARRISON. I have not expressed an opinion as to that.

Mr. DILL. Mr. President, I hope there will not be any effort to defeat this increase. I think it is a very proper increase.

Mr. HARRISON. If the Senator from Washington will permit me, I am not trying to do any injustice to this industry. The duty in the present law is one-half of 1 cent. The amendment I have offered gives an increase of 100 per cent over the present law. The Senator heard those figures read. It does seem to me that that is going about as far as we ought to go. Just simply because we have the power to increase rates, we ought not to do it. I had hoped that the Senators who are interested in this item would agree that 1 cent would be enough. I do not care to provoke a long discussion of the matter.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Utah?

Mr. DILL. I yield to the Senator.

Mr. SMOOT. May I say to the Senator that really it would not be fair to have the same rate on ripe pears, ripe plums, and so forth, as when they are dried. There is no other place in all the bill where the rates have been the same. If the Senator desires, of course an amendment can be made there to lower the rates. That is another thing; but I do believe we ought to make that amendment if we are going to agree to it in the case of other dried products of a similar character. There is not a particle more difference, as far as the rate is concerned, between a ripe pear and a dry pear than there is between a ripe plum or prune and a dried plum or prune.

Mr. DILL. Mr. President, I desire to ask the Senator from Utah a question. If the committee amendment were adopted instead of the amendment of the Senator from Mississippi, then, when the bill is finished, if the other rates were lowered we could still lower the committee amendments that had been adopted, could we not?

Mr. SMOOT. Oh, yes. That is what I say.

Mr. DILL. I think it is very unfair to the plum and prune industry to cut the rate now when we have not cut the others. After we come back to revamp the bill, if the other rate should be lowered it would seem proper that this might be lowered also; but it is not fair to the plum and prune industry to hold them down to 1 cent when the others are given 2 cents.

Mr. McKELLAR. I hope that will be done.

Mr. HARRISON. Mr. President, I have no desire to put one fruit at one rate and the other at another. I think they should be the same; but let us make this 1 cent and then make the others 1 cent.

Mr. DILL. But we can not do that until after the schedules are finished.

Mr. SMOOT. The only question would be, why not make it 2 cents, and then when the bill gets into the Senate have one vote decide all of them—because it will decide them all.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee. [Putting the question.] By the sound, the noes seem to have it.

Mr. HARRISON. Let us have a division on that and let us see.

On a division, the amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the committee.

The amendment of the committee was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 137, line 21, after the word "and," to strike out "all other fruits or fruit peels" and insert "other fruits," and in line 22, before the words "ad valorem," to strike out "35 per cent" and insert "40 per cent," so as to read:

PAR. 750. Fruits in their natural state, or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for, and mixtures of two or more fruits, prepared or preserved, 35 per cent ad valorem; fruit pastes and fruit pulps, 35 per cent ad valorem; candied, crystallized, or glacé apricots, figs, dates, peaches, pears, plums, prunes, prunelles, berries, and other fruits, not specially provided for, 40 per cent ad valorem.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Utah state why that increase was recommended? I observe that in the law of 1922 an increase was made to 35 per cent for the purpose of offsetting the increased rates upon sugar.

Mr. SMOOT. No; not on sugar—on confectionery of all kinds; and this conforms to the action taken in that respect.

Mr. WALSH of Massachusetts. But there are no increased duties proposed.

Mr. SMOOT. That is not the only reason, Mr. President. The reason is so that this one might conform to the increases that are made on confectionery clear through. Let us agree on this, and then, if there is an amendment offered in the Senate we will change them all. This is only balancing the bill. I am not saying a word as to whether the rate should be increased or not, but this simply balances the bill; and then, if the amendment is offered when the bill is in the Senate, we will change the whole thing just the same as in the case of the amendment dealing with prunes that we have just passed.

Mr. WALSH of Massachusetts. It is an increase from the present law of 35 per cent?

Mr. SMOOT. Yes; it is.

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

The amendment was agreed to.

The next amendment was, on page 137, line 24, after the word "fruit," to strike out "or fruit peels," so as to make the proviso read:

Provided, That a mixture of two or more kinds of candied, crystallized, or glacé fruit shall bear the highest rate of duty applicable to any of the components.

The amendment was agreed to.

The next amendment was, at the top of page 138, to strike out:

PAR. 751. Tulip bulbs, $6 per thousand; hyacinth bulbs, $4 per thousand; lily bulbs, $6 per thousand; narcissus bulbs, $6 per thousand; crocus corms, $2 per thousand; lily of the valley pips, $6 per thousand; all other bulbs, roots, rootstocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes, 30 per cent ad valorem; cut flowers, fresh, dried, prepared, or preserved, 40 per cent ad valorem.

And in lieu thereof to insert:

PAR. 751. Tulip, lily, and narcissus bulbs, and lily of the valley pips, $2 per thousand; hyacinth bulbs, $4 per thousand; crocus bulbs, $1 per thousand; all other bulbs and roots, rootstocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes, 30 per cent ad valorem; cut flowers, fresh or preserved, 40 per cent ad valorem.

Mr. JONES. Mr. President, I hope the committee amendment will be disagreed to. Several years ago the Government itself established an experimental bulb farm in Whatcom County, Wash., to determine whether the soil and the climate were suitable for the raising of bulbs. It has been demonstrated beyond any doubt that they are suitable. The production of bulbs in this country has increased very rapidly, and there are several of the bulbs mentioned here that have been produced very largely, especially in Washington and in Oregon.

I am going to be brief, but I want to call attention to the facts shown by the Tariff Summary. Let us take the first bulb named, tulip bulbs. We have growing in the United States now from ten to twelve million, more than half in Oregon and Washington.

I have noticed that in many cases where the imports are very light it seems that the Senate has favored high and substantial duties. I have always supposed that such duties were more justifiable where the imports are rather extensive, possibly increasing, especially if there is a possibility of development in our own country.

The possibility of the development of this bulb-growing industry has been demonstrated, especially in the Northwest. It is increasing very fast. Yet the imports are still very high.

There were imported of tulip bulbs in 1924 over 96,000,000; in 1925–26 there were over 106,000,000; in 1927–28 the imports had increased to 191,000,000, showing that the present rate of tariff is not sufficient at all properly to encourage the development of this industry in our own country.

Of the lily bulbs named in the paragraph, approximately 15,000,000 are grown in the United States, about half in Oregon and Washington. The importations in 1924 and 1925 were a little over 11,000,000; in 1925–26 they were a little over 16,000,000; in 1927–28 they were a little over 19,000,000.

Of the hyacinth bulbs grown in the United States, one-third to one-half are grown in Oregon and Washington. There are five to six million produced in the United States. The imports of hyacinth bulbs were, in 1924–25, 27,000,000; in 1925–26 there were 23,000,000; and in 1927–28 there were 22,000,000, showing a slight decrease; but there are substantial importations. So I might go through with these different bulbs.

The rate placed upon tulip bulbs in the House was $6 per thousand. In the Senate committee bill that has been reduced to $2 per thousand, a most substantial decrease from the House provision. The House evidently took into account the situation, not only with reference to domestic production but the large amount of imports, and wanted to encourage further development of the production of these articles in this country.

The rate on hyacinth bulbs is $4 a thousand in the House provision. The Senate committee reduced that to $2 per thousand.

On lily bulbs the House provided a rate of $6 per thousand; the Senate committee proposes to reduce that to $2 per thousand.

On narcissus bulbs the House provided $6 per thousand, and the Senate committee proposes to reduce that to $2 per thousand.

Mr. President, as I have said, the States of Washington and Oregon especially are vitally interested in these bulbs. They are now producing practically half of those produced in this country. The development of this industry dates back several years, to the time when the United States established an experimental bulb farm in Whatcom County, Wash.

The production has increased quite rapidly. We have the soil and climate that seem to be especially adapted to the production of these bulbs.

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

Mr. JONES. I yield.

Mr. BORAH. Is the production still confined to the experimental farm?

Mr. JONES. Oh, no.

Mr. BORAH. To what extent has the production grown?

Mr. JONES. We produce ten to twelve million bulbs.

Mr. BORAH. How many people are engaged in the production of the bulbs?

Mr. JONES. I do not know how many. There are quite a good many people, I know, in the northwestern part of our State engaged in that industry. I do not know how extensive the production is in Oregon.

Of the lily bulbs we produce approximately 15,000,000, and of the hyacinth bulbs from five to six million, and so on, while a few years ago, before the establishment of the Government experiment station, they were not being produced at all. The Government has to go to very slight expense to look after this farm which it owns up in Whatcom County, but the industry has passed long since the experimental stage, and the possibilities in Washington and Oregon have been more than demonstrated. I think the importations justify the increased tariff.

As I said a moment ago, I know we have increased tariffs where the imports are practically nothing, but I hope that as far as the Northwest is concerned and as far as our State is concerned, we will be given the advantage of the application of the real protective principle—that is, to protect us in the development of our natural resources against extensive importations, and that is what we are up against in this matter.

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

Mr. JONES. I yield.

Mr. FLETCHER. The production of bulbs and flowers has become a very important industry in Florida, in the last few years particularly. I think perhaps Holland, as well as some other countries, has sent in a great many bulbs which were found to be diseased. That is one thing that has stimulated production in this country. There was a sort of a quarantine imposed against foreign importations for a while. That may not last.

A great many people are engaged in that industry in Florida to-day and have been for the last few years, and it promises to be a prosperous industry. The importations will affect production in this country considerably. The exportations of any of these bulbs amounts to but very little. There are new enterprises being started, and they are asking for the rejection of the Senate committee amendment. They want to stand on the House provision. They made out their case in the House, they contend. I do realize the importance of this industry, and I think they make a showing that justifies the House rates.

Mr. JONES. Mr. President, I want to read just a few paragraphs from the Government data with reference to competitive conditions.

Through centuries of bulb culture in Holland, Japan, and other foreign countries, bulbs have been bred to a high state of perfection, and the growers have acquired great skill in technique and methods of production.

Note this:

Specialists in bulb production in the United States Department of Agriculture state, however, that foreign countries possess no advantage over the United States in bulb growing, so far as soil and climate are concerned.

What we need is time and opportunity and proper encouragement and protection to develop this industry to supply very largely our own market.

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

Mr. JONES. I yield.

Mr. GLENN. Has not this industry had the protection of an embargo upon a very large number of these bulbs for several years last past?

Mr. JONES. In the case of some of the bulbs that is true, because we have given the Department of Agriculture, I think very properly, authority to place an embargo where it is likely that the imports will bring diseases into this country.

Mr. GLENN. There has been in effect for several years an embargo against hyacinth and narcissus bulbs.

Mr. JONES. That may be true; I have not gone into the details. But it did not apply to all of them, as is shown by what I read a moment ago of the large importations of tulips and other kinds of bulbs.

Mr. FLETCHER. It is a quarantine, not an embargo.

Mr. JONES. Note this language:

Domestic producers of tulip bulbs are not now able to compete with foreign producers; i. e., to produce high-quality tulips at as low a price as imported tulips of similar quality can be obtained.

Then, as to the narcissus; and this applies to what the Senator from Illinois has said:

Since narcissus bulbs can not be imported only for propagation purposes under quarantine No. 37, the imports are not competitive with the mature commercial domestic bulbs.

We do not know how long that provision will be continued. As to hyacinths:

Hyacinths require about five years to grow to maturity. Present prices of hyacinths are very much higher than pre-war prices. Domestic growers hesitate to enter the business of growing hyacinth bulbs because of the long time required to mature the bulbs and because of the fear that prices may decline from their present levels by the time they would be able to market mature bulbs.

It seems to me that is a very valid reason for us giving them the protection given them in the House provision. Then, as to crocus bulbs:

Crocus bulbs are comparatively cheap, and American growers are not now able to meet the prices of the foreign bulbs.

Mr. President, I will not take further time. I hope that the committee amendment will be disagreed to and the House provision restored.

The VICE PRESIDENT. The Chair feels it his duty to call the attention of the junior Senator from California [Mr. SHORTRIDGE] to the fact that he has offered an amendment that would be in order at this time, but would not be in order in case the committee amendment was acted on first.

Mr. SHORTRIDGE. Mr. President, I was about to make inquiry concerning that amendment; but I note what the Presiding Officer states. May I inquire of the chairman of the committee whether he has had time to examine the amendment I have offered?

Mr. SMOOT. No; but if the Senator wants to call it up at this time I will examine it.

Mr. SHORTRIDGE. May we not agree that it shall go over until to-morrow?

Mr. SMOOT. No; let us dispose of it now.

Mr. SHORTRIDGE. Let the amendment be reported.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. The Senator from California proposes, on page 138, lines 9 to 15, in lieu of the committee amendment, to insert the following:

PAR. 751. (a) Tulip bulbs, $6 per thousand; hyacinth bulbs, $4 per thousand; lily bulbs, $6 per thousand; narcissus bulbs, $6 per thousand; crocus corms, $2 per thousand; lily of the valley pips, $6 per thousand; all other bulbs, roots, rootstocks, clumps, corms, tubers, and herbaceous perennials, imported for horticultural purposes, 30 per cent ad valorem.

(b) Fresh cut flowers: Narcissus and daffodils, $40 per thousand stems; hyacinths, $20 per thousand spikes; irises, $40 per thousand stems; tulips, $20 per thousand flowers; lilies (wholeheads), $100 per thousand heads; lilies (single flowers), $40 per thousand flowers; calla lilies, $40 per thousand stems; anemones, $40 per thousand stems; ranunculus, $25 per thousand stems; all other, 50 per cent ad valorem.

(c) Cut flowers, dried, prepared, or preserved, 40 per cent ad valorem.

Mr. SHORTRIDGE. Mr. President, the proposed amendment was printed a month ago, on September 9, but it may well be that Senators have not been able to consider it.

Subdivision (a) of the proposed amendment would restore the House rates on the articles therein specifically mentioned. I can add nothing to what was stated by the Senator from Washington [Mr. JONES], with whom I agree. I think the rates as set forth in the proposed amendment should prevail.

Now, as to subdivision (b) of the proposed amendment, the figures were furnished to me by gentlemen interested, of course, in the matters covered.

Mr. SMOOT. I should judge they were.

Mr. SHORTRIDGE. Certainly, they were. That subdivision relates to fresh-cut flowers, narcissus and daffodils, $40 per thousand stems, and so on down through the list.

Mr. COPELAND. Mr. President, may I ask the Senator if the amendment which has been offered would do more than restore the House rates on cut flowers?

Mr. SHORTRIDGE. Subdivision (a) restores the House rate.

Mr. COPELAND. And the amendment adds cut flowers?

Mr. SHORTRIDGE. It does, as described in the amendment. I do not know whether it is within the rules or not, but I would respectfully ask unanimous consent, if it be necessary under the rule, to let subdivision (b) go over for the moment until I have secured the data upon which I rested when I offered the amendment.

Mr. SMOOT. Mr. President, will the Senator allow me to make a suggestion?

Mr. SHORTRIDGE. Certainly.

Mr. SMOOT. Let us act upon the Senate committee amendment, and when the bill gets into the Senate then the Senator can offer the additional matters provided for in his amendment just presented.

Mr. SHORTRIDGE. I thank the Senator. I will, of course, be guided by the advice of the Presiding Officer. I thought we might take up the whole matter now.

Mr. HEBERT. Mr. President, I submit an amendment to the pending bill and ask that it may be printed and lie on the table.

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

Mr. FLETCHER. Mr. President, it seems to me if the Senator from California wants to press his amendment, the time to offer it is now as a substitute for the committee amendment.

Mr. SMOOT. But it is not a substitute. The Senator's amendment is exactly the wording found in the House text, paragraph 751, with another subparagraph added to the House provision.

Mr. FLETCHER. It is a substitute for the committee amendment, I should think.

Mr. SMOOT. I am perfectly willing to vote upon it now without another word.

The VICE PRESIDENT. The Chair will state that the Senator could offer it as an additional amendment in the Senate. The question is on agreeing to the Senate committee amendment.

Mr. SMOOT. Mr. President, the rate proposed by the Finance Committee in paragraph 751 now under discussion is the existing law. I call the attention of the Senate to the fact that most of the bulbs specifically mentioned in the act are used for greenhouse forcing. The domestic production of flowers of the type of these bulbs is negligible, except in the case of narcissus, the domestic production being mainly for the garden type, according to the evidence available.

Not over 500,000 forcing bulbs are offered to the trade from domestic sources. This is approximately one-third of 1 per cent of domestic consumption. Only a few thousand of the forcing type of lilies and hyacinths are available to the trade from domestic sources. These quantities are negligible in proportion to the total sum of these bulbs, approximately 20,000,000 of each. There is no domestic commercial production of forcing types of lily of the valley nor of crocus.

That is the reason why the Finance Committee proposed to return to the House provision. I can not see, under the circumstances, why there was a mistake made by the Finance Committee in proposing a return to the House provision.

Mr. JONES. Mr. President, where does that information come from? I gave the Senate information from the Summary of Tariff Information furnished to us by the Tariff Commission. It seems to me to be entirely different.

Mr. SMOOT. I do not think the Senator gave the reasons why. I am stating the reasons why; and not only that, but I get the information from the Tariff Commission.

Mr. JONES. I gave the figures furnished to us in the Summary of Tariff Information, which is supposed to be furnished by the Tariff Commission, and then I gave the production and imports. The figures are very different from those the Senator just gave. I shall not repeat what I said a moment ago, but the figures are very different.

Mr. SMOOT. The Senator is giving the number that are growing.

Mr. JONES. That is what we are interested in. We are interested in those growing and in the development of the production.

Mr. SMOOT. I am calling attention to the type that is imported, and the importations are the forcing type. I think all those who appeared before the Finance Committee on the subject agreed that as to the forcing type the only successful ones that are received are those imported.

Mr. JONES. We want to develop the forcing type in this country. The general report is that all bulbs, for instance, raised and developed in the Northwest are as good if not better than those produced in Holland.

Mr. EDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I yield.

Mr. EDGE. Does this request for an increased duty also come in the class of anticipated development in the future; that they are not now being produced? I thought from the explanation it was a hope for the future.

Mr. SMOOT. I am calling attention to the facts existing in the past and what the situation is at the present time. I am stating to the Senate why the Senate Finance Committee returned to the existing law. If Senators will take the testimony before the committee and read it, they will see that there is no doubt but that the statement just made by me is absolutely correct.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SMOOT. I yield.

Mr. TYDINGS. How does the American Society of Horticulturists stand on this proposition? As I understand it they are for the amendment.

Mr. SMOOT. Substantially, without reading the testimony, they wanted the existing rate.

Mr. TYDINGS. I understand that they are for the amendment.

Mr. SMOOT. Yes; they are for the Senate committee amendment, and that amendment carries the existing rate.

Mr. TYDINGS. And they are the men who are actually raising the things with which the amendment deals?

Mr. SMOOT. To a large extent.

Mr. TYDINGS. As I understand it they do not want these commodities for sale, but to use in forcing—that is in stimulating the growth of domestic flowers.

Mr. SMOOT. That is what I stated and that is exactly the position they took before the committee, and that is the reason why the Finance Committee made the change.

Mr. TYDINGS. So the real situation is that the very men who are raising these things for commercial purposes want the Senate committee amendment?

Mr. SMOOT. They recommended it and testified that it is what they desire.

Mr. TYDINGS. And they are the producers?

Mr. SMOOT. They are the people who import, and they are the ones who raise them in this country.

Mr. FLETCHER. Mr. President, they are the ones who import them. The Senator is speaking now for the importers. The people who grow them want the House rate.

Mr. SMOOT. I am quite sure the Senator's statement was correct as far as it went, but it did not go the whole way. I have stated exactly why the committee made the change. Of course, the Senate will decide whether it wants to sustain the committee or not.

Mr. TYDINGS. Mr. President, before leaving the subject I would like to say that the persons who have talked with me about the amendment were those actually engaged in growing tulip, narcissus, and the other bulbs set forth here. They want them in order to stimulate domestic production. They do not want them for the purpose of sale, but to stimulate local plants so that they can produce more.

Mr. COPELAND. Mr. President, I have received a number of letters from florists and nurserymen, from the Society of American Florists and Ornamental Horticulturists, the New York Florists' Club, and others, all commending the Senate committee amendment. I am glad that for once I can be on the side of favoring an amendment suggested by the committee. Tulips, which are grown commonly in the dooryards in my State, are involved in the question of the tariff. The items involved are primarily those flowers which are produced out of season. I hope the amendment will prevail. I ask unanimous consent to have printed in the RECORD a list of the names of some of the persons who have indorsed the amendment in their expressions to me.

The VICE PRESIDENT. Without objection, it is so ordered. The list is as follows:

A. L. Miller, florist, nurseryman, and seed dealer, Jamaica, N. Y.; Society of American Florists and Ornamental Horticulturists, New York, N. Y.; Charles P. Drescher, Brooklyn, N. Y.; Tegelaar Bulb Farms (Inc.), Babylon, N. Y.; the New York Florists' Club, New York, N. Y.; Copex Co. (Inc.), New York, N. Y.; New York and New Jersey Association of Plant Growers, New York, N. Y.; Vaughan's Seed Store, New York, N. Y.; Albany Florists' Club, Albany, N. Y.; Max Schling Seedsmen (Inc.), New York, N. Y.; International Forwarding Co., New York, N. Y.; Chase Bros. Co., the Rochester Nurseries, Rochester, N. Y.; Stumpp & Walter Co., seed and bulb growers and importers, New York, N. Y.; W. H. Stimming, the Newark Valley greenhouses, Newark Valley, N. Y.

Mr. GLENN. Mr. President, upon the pending amendment I have had some information from the man whom I believe to be perhaps the best informed of all in the United States upon the question involved, Mr. Leonard Vaughan, of the Vaughan Seed Co., of Chicago, who with his father has established and operates a great business dealing in all sorts of bulbs and flowers and horticultural products, the business now having been established for more than half a century. He is not looking at this matter, I am sure, with biased or prejudiced eyes, because he is engaged not only in selling cut flowers and in selling bulbs and plants of all kinds, but he is engaged in growing in this country, in Oregon and California, the very products we are now discussing. He has farms likewise in Mississippi, in Illinois, and in various other parts of the country, including certain sections of the East, and is operating stores in New York, Chicago, Kansas City, and other places. He advises me that 69 per cent of our imports of these bulbs are used for forcing purposes, for forcing under glass; that there is no considerable production in this country; and that there is no evidence that there will be within any reasonable time any adequate production in the United States. He says:

The bulbs in question are tulips, lilies, narcissus, lily of the valley, and crocus, all of which are used for cut flowers in this country and are not grown to any commercial extent in this country.

He is a man who is engaged in growing bulbs; he has been successfully endeavoring to grow bulbs for his own use and for sale in Oregon, in Washington, and in California, as I understand, and he says that there is no considerable production in the United States. He further states:

The amendment of Senator SHORTRIDGE will probably be supported by the allegation that California, Oregon, and Washington can produce these bulbs. It is true that they do produce narcissus bulbs which can not be imported for sale, owing to an embargo established by the plant quarantine board.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. GLENN. I yield.

Mr. DILL. If it were not for the embargo the writer of the letter which the Senator is reading would not even have admitted that much; he would have said that we could not produce them. The fact that there has been an embargo has forced this development and allowed it to expand. I call that to the Senator's attention.

Mr. GLENN. The fact is that even with an absolute embargo neither the State of the Senator from Washington nor the State of Oregon nor any other State in the Union has been able to produce these bulbs to any appreciable extent.

Mr. DILL. Mr. President, will the Senator yield further?

Mr. GLENN. I yield.

Mr. DILL. The Senator understands that it takes four or five years to grow them.

Mr. GLENN. But the embargo has been on at least that long, I think.

Mr. DILL. We are just now beginning to produce them.

Mr. GLENN. The embargo has been on for more than four or five years, as I recall.

Mr. DILL. I think it has been on for about three or four years.

Mr. SHORTRIDGE. Mr. President, will the Senator from Illinois yield to me?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. GLENN. I yield.

Mr. SHORTRIDGE. The Senator mentioned Washington, Oregon, and California. I hope he is not overlooking Florida?

Mr. GLENN. I added "and any other State." I did not intend to enumerate the 48 States.

Mr. SHORTRIDGE. If the Senator will permit me, at the proper time I shall read for the RECORD, or make the request that it be printed, a letter addressed to me from Orlando, Fla., bearing particularly upon the proposed rates on narcissus bulbs and containing some very interesting information on what can be done in the State of Florida.

Mr. TRAMMELL and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield; and if so, to whom?

Mr. GLENN. I yield first to the Senator from Florida.

Mr. TRAMMELL. In regard to the statement that we can not produce these bulbs in this country to any extent I desire to say that I find that the statistics show that there were 140,000,000 more narcissus bulbs used in 1928 than were imported.

Mr. GLENN. There was an embargo, and, of course, there were more produced than were imported.

Mr. TRAMMELL. Does not the Senator think that illustrates the fact that when growers of these bulbs have an opportunity to utilize their own market they can bring about a great expansion and enlargement of production in this country?

Mr. GLENN. The narcissus bulbs to which the Senator from Florida refers are almost exclusively those used for planting out of doors and are not suitable for forcing in the greenhouse at all. It has been demonstrated, I think, according to the testimony of this expert, who knows his business, that it is not practicable to grow these bulbs in this country; he has been trying to grow them for his own use, and he says it can not be done.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Utah?

Mr. GLENN. I yield.

Mr. SMOOT. The date when the embargo on narcissus went into effect has been referred to. That embargo was imposed in 1926.

Mr. GLENN. That was three years ago. It has been in effect now for more than three years.

Here is a further statement in this letter which I desire to read:

> The tariff increase such as Senator SHORTRIDGE requests—

I do not know why he ignores Florida, as I did awhile ago—

> would not stimulate production in California or in any other section of the United States, but it would place a heavy burden on the florist industry throughout the United States, an industry which is now established and which amounts to a far greater volume and affects a larger number of people than any bulb-growing industry which California now has or ever has any prospect of creating.

Something has been said about the embargo applying only to narcissus. I wish to read this statement:

> California (which State Senator SHORTRIDGE represents) produces many varieties of bulbs—gladiolus, narcissus, begonias, gloxinias, freesias, callas, iris, anemones, ranunculus, watsonias, montbretias, and many others. But all of these are under embargo and can not be imported to produce flowers. California also produces some lily bulbs, but mostly lilium regale, which is never imported. So where does anyone benefit by high-duty rates on bulbs? Certainly not California, because that State is one of the largest importers of bulbs.

I will say to the Senator from California [Mr. SHORTRIDGE] that his State is one of the largest importers of these bulbs which he says are grown in California in such great profusion and with such great success. California is the greatest importer of its own product, according to this statement.

> Florida, Oregon, Washington, Michigan, and New York are also large bulb-producing States—in fact, every State produces some—but tulips, valley pips, and lily bulbs of forcing type are not produced commercially anywhere in the United States in anything like adequate quantities. That is why these are imported. There are some experimental plantings of tulips and hyacinths in Washington and Oregon, but since these bulbs can only be reproduced by multiplication (offsets) and since the planters or farmers can only get bulbs to multiply by importing them, a triple duty on their planting stocks would be almost a fatal setback to them at the start.

I submit that this proposed increase of 300 per cent over the rate of the House bill is not desirable or justified in view of the facts.

Mr. DILL. Mr. President, some of my good Democratic friends on this side have suggested that they really ought to vote for this tariff duty because so many flowers will be needed in my section of the country as the result of the refusal of the Senate to put a duty on shingles. I told them I am perfectly willing to take a vote on that basis. Seriously, however, I want to emphasize the suggestion I made to the Senator from Illinois, that since the embargo went into effect the narcissus-bulb industry has developed along the Pacific coast. If that embargo had not been put in effect there would now be no narcissus-bulb industry, because otherwise it would be impossible for American enterprise employing American labor and using American soil, costly as both are, to produce in competition with the bulbs produced in Holland, in Japan, and in France. The very fact that the embargo has resulted in developing this great industry is proof that we can produce these bulbs if we can get a return in the sale price that justifies their production.

Of course, we have not put very many on the market as yet, because it takes from four to five years to produce bulbs. All we are asking for here is a chance to guarantee to our producers a price that will justify them in developing the great bulb industry.

Mr. SMITH. Mr. President, let me ask the Senator what was the occasion of putting on the embargo? Was it for the purpose of giving the industry in America a start or for some other reason?

Mr. DILL. The embargo was put on because of a disease of the plant.

Mr. TYDINGS. The foot-and-mouth disease.

Mr. SMITH. The Senator from Maryland says the foot-and-mouth disease.

The VICE PRESIDENT. The Chair wants again to announce that Senators desiring to interrupt the Senator having the floor will stand on their feet and address the Chair.

Mr. DILL. It was a disease in the roots of the bulb itself, a plant disease. It was dangerous to bring bulbs into this country affected by the disease.

Mr. SMITH. Has that embargo been lifted?

Mr. DILL. No; it has not, and if it were to be lifted the industry in this country would be in danger. As it is we have no assurance that the embargo will continue for any length of time.

Mr. SMITH. Is there any assurance that the disease which afflicts the foreign bulbs has been eradicated?

Mr. DILL. I have no information that it has been eradicated; but, of course, they are working on it.

Mr. SMITH. So that in addition to the embargo a protective-tariff duty is desired?

Mr. DILL. We want a protective duty so that if the embargo shall be lifted at any time the industry will be protected. We would not need the duty on narcissus bulbs at this time if the embargo were permanent, but we do not now know how long it will last.

Mr. SMITH. The industry is rated among the agricultural industries?

Mr. DILL. Yes.

Mr. JONES. Mr. President, I want to suggest to the Senator from South Carolina that if we can develop adequately the production of bulbs in this country we need not fear bulb disease from abroad, but we do have reason to fear it now. Of course, whenever there is reasonable ground to think there is disease that is apt to come in here, we can put an embargo on; but oftentimes the disease evidently gets here before it is ascertained to exist and an embargo can be put on.

Mr. DILL. Mr. President, I am not going to take more time. I merely wanted to call attention to the one fact which I have emphasized. I hope the committee amendment will be disagreed to.

Mr. JONES. Mr. President, I wanted to read just one line from the Summary of Tariff Information. I take it that the letters which have been read come from importers who are interested in the importation and possibly, also, in the distribution of bulbs. What we want to do is not only to produce the bulbs here, but to distribute them as well. I read now from the Summary of Tariff Information:

> Specialists in bulb production in the United States Department of Agriculture state, however, that foreign countries possess no advantage over the United States in bulb growing so far as soil and climate are concerned.

We want to take advantage of the conditions which we have in the United States to develop the industry.

Mr. COPELAND. Mr. President——

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

Mr. JONES. I yield.

Mr. COPELAND. I take it that this is simply in anticipation of what they need.

Mr. JONES. No. I read the figures as to the production, showing how many are produced, and so on. I do not feel that I ought to go over them again. It has been demonstrated that these bulbs can be produced in the United States, and their production has very greatly increased over what it was a few years ago.

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

Mr. SHORTRIDGE. Mr. President, now that the Senator from New York in is in the Chamber, I claim his attention for a moment, and take the liberty of inquiring whether he is acquainted with Dr. George Wood Clapp, of 220 West Forty-second Street, New York City, and whether he is a reputable citizen?

Mr. COPELAND. He is; yes.

Mr. SHORTRIDGE. Therefore, Mr. President, it will take me but a moment—I wish to call the Senator's attention to this letter, addressed to me by that gentleman. It is dated October 19, 1929. He says:

Because I am a resident of New York, and this enterprise is run with New York money, I have written Senators ROYAL S. COPELAND and ROBERT F. WAGNER asking them to support your amendment to paragraph 751 of H. R. 2667, giving us a duty of $6 per 1,000 on narcissus bulbs and a specific duty on cut flowers.

I should have said that this letter comes from Orlando, Fla.

The arguments underlying the request:

I have tried to show them that the bulb and flower business in this State was started in response to the promise of the Department of Agriculture that the embargo on bulbs would be permanent; that we can not pay American wages and support American standards of living against un-American wages and standards and low freight rates unless we have tariff protection; that we are reclaiming wild land and making it profitable; that we are spending large sums for irrigation and cultivation, for equipment, and for fertilizer and freight; and finally, that if we are given time to carry American methods to their logical conclusion we expect to furnish bulbs and flowers to the ultimate consumer at no higher prices than he would pay for the imported bulbs and flowers, and perhaps less.

I believe that the two Senators from Florida, to whom a group of us is writing, will support your efforts. We shall write also to Senators BROUSSARD and RANSDELL, of Louisiana, and MCNARY and STEIWER, of Oregon.

I hope you may be able to get your amendment through.

Yours very truly,

GEORGE WOOD CLAPP, D. D. S.

220 WEST FORTY-SECOND STREET, *New York City.*

Mr. COPELAND. Mr. President, I read with great interest a similar letter that I have from Doctor Clapp; and I have no doubt that in the course of time this industry will develop. I hope it may. Of course, we can not anticipate that. We are dealing with the condition that prevails at present; and the universal testimony in my State is that the House bill, as amended by the Senate committee, should prevail.

Mr. WALSH of Massachusetts. May I ask the Senator if he has put in the RECORD the communication from the Society of American Florists and Ornamental Horticulturists?

Mr. COPELAND. I did refer to it.

Mr. WALSH of Massachusetts. The Senator did not put it in the RECORD?

Mr. COPELAND. No; I did not put the whole letter in the RECORD.

Mr. WALSH of Massachusetts. I ask permission to put that letter in the RECORD.

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

The letter is as follows:

SOCIETY OF AMERICAN FLORISTS AND
ORNAMENTAL HORTICULTURISTS,
Madison, N. J., October 22, 1929.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: The amendment of Senator SHORTRIDGE to paragraph 751 in the tariff bill may soon come up for action. This national organization of florists has a membership of 35,000, including bulb growers as well as bulb forcers, so may fairly be said to represent the horticultural industry in this country with regard to duty rates on bulbs and flowers. We are strongly against the raise in rates on bulbs which the Shortridge amendment carries, though we favor the specific rates on cut flowers it carries.

Bulbs which are under embargo, such as narcissus and iris, should be free of duty, since only farmers and growers can import them. But bulbs such as lilies, tulips, hyacinths, and lily of the valley pips should carry a moderate duty since they are not grown commercially in this country and are used primarily to produce flowers out of season. Fresh cut flowers should be dutiable on a specific instead of an ad valorem basis since they are grown in Canada from bulbs which can not be imported into this country, so compete unfairly with American-grown bulbs. Since flowers have no value until sold an ad valorem rate gives very little protection to American bulb growers.

Senator SHORTRIDGE is mistaken if he thinks that high duty rates on bulbs will help bulb growers in California. The inclosed tabulation and report to our members, recently published in the florists' trade papers, will show you why the Shortridge amendment should be changed to meet the horticultural requirements of this country.

Yours truly,

JAMES MCHUTCHISON,
Acting Chairman Tariff and Legislative Committee,
95 Chambers Street, New York City.

The VICE PRESIDENT. The question is on the amendment.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. That is the amendment offered by the Senator from Florida?

The VICE PRESIDENT. No; the question is on the amendment proposed by the committee. [Putting the question.] By the sound the ayes seem to have it.

Mr. JONES. I call for a division.

On a division, the amendment was rejected.

Mr. WALSH of Massachusetts. Mr. President, I should like to make an inquiry of the Senator from Utah. Have any of the amendments which have been proposed, increasing the rates recommended by the Finance Committee, been rejected to-day in this schedule?

Mr. SMOOT. I think there was one.

Mr. WALSH of Massachusetts. But practically every motion made to increase the rates recommended by the Finance Committee has been adopted by the Senate?

Mr. SMOOT. I should not like to say as to that offhand, but a great many of them have been rejected where a reduction has been made by the Senate committee; I do not know in what percentage.

Mr. WALSH of Massachusetts. It is quite apparent that a majority of the Senate are not opposed to putting increased duties upon all of these products, namely, agricultural products.

Mr. HARRISON. I desire to give notice that I reserve the right to ask for a separate vote in the Senate on this item.

The VICE PRESIDENT. The notice will be entered.

Mr. COPELAND. Mr. President, I simply want to say that when, next spring or perhaps a year from next spring, there are no longer any red tulips blooming in the dooryards of America the housewives will know that the Senate refused to give a lower rate on bulbs.

Mr. DILL. Mr. President, whenever the American people become so hard up for money that they can not pay 1 or 1½ cents extra for these tulip bulbs, there will be a lot of other things they will do without.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The next amendment was, on page 139, line 7, after the word "or," to strike out "imitation almonds" and insert "almond substitutes," so as to read:

PAR. 754. Almonds, not shelled, 5½ cents per pound; shelled, 16½ cents per pound; blanched, roasted, or otherwise prepared or preserved, 18½ cents per pound; mandalonas or almond substitutes, 18½ cents per pound.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. HARRISON. Mr. President, I can not understand why the committee put in that amendment. There is a great difference between imitation almonds and almond substitutes. When we try to write a rate to control the appetites and tastes of people by putting a rate of 18½ cents a pound on almond substitutes, what is an almond substitute? Some person might think that a chinaberry nub might be a substitute for almonds. Let us leave it "imitation almonds." That ought to be sufficient.

Mr. SMOOT. No; the only reason why the change is made is because the courts have already passed on almond substitute. Almond substitute is nothing more nor less than a peanut sliced. That is what it is.

Mr. HARRISON. The use of the term "almond substitute," if it means anything, leaves it to the particular person to say what is a substitute for an almond. One person might think that one nut or one edible was a substitute for it, and another might think that another thing was a substitute for it.

Mr. SMOOT. Mr. President, almond substitute is well defined and known not only by the people generally but by the courts themselves. It is a sliced peanut treated with almond extract.

Mr. HARRISON. This is the same proposition that was advanced about trying to put a tariff on bananas in order to force, as a substitute, the eating of a pear or an apple.

Mr. SMOOT. No, Mr. President; I must disagree with the Senator. I think this is just a clerical provision, following out a court decision. The court decided upon the wording, and it is nothing more nor less than better wording than "imitation almond."

Mr. HARRISON. If it means the same thing as "imitation almond," why not leave it there? You put there the term "almond substitutes." That is a broad phrase. That means a lot.

Mr. SMOOT. Up to date, there is only one substitute for almonds.

Mr. HARRISON. You do not say "almond substitute." You say "almond substitutes"; and to-day there might be one substitute or there might be another. It seems to me bad policy to write into this bill a duty of 18½ cents a pound on almond substitutes.

Mr. SMOOT. I am not saying anything about the rate. I am simply speaking about the wording.

Mr. WALSH of Massachusetts. Mr. President, the rate on almonds not shelled and almonds shelled is not before us at this moment. I have no special objection to the amendment now under consideration; but I desire, for the RECORD, to call attention to the fact that a very vigorous protest is being made against the increase levied in the House bill which the Senate Finance Committee has approved, and which, of course, can be reached only by a separate amendment at a later stage.

Let me call attention to the record of increased duties in respect to almonds.

Prior to 1922 almonds not shelled bore a duty of 4 cents per pound.

In 1922 a duty of 4¾ cents per pound was levied.

In the House bill an increased duty has been levied amounting to 5½ cents per pound, which duty has been approved by the Finance Committee.

In regard to shelled almonds, the present law fixes the rate at 14 cents per pound, while the House bill fixes the rate at 16½ cents per pound, and the Senate Finance Committee has approved that rate at 16½ cents per pound upon shelled almonds. Upon roasted almonds the rate has been increased from the present law of 16½ cents to 18½ cents.

I can not let this paragraph pass without recording the same protest that I have heretofore made with respect to these nuts and fruits and calling attention to the fact that the confectioners very seriously protest these increased rates.

Mr. SMOOT. Mr. President, I observe that the decision refers only to "almond substitute," not "substitutes." Therefore, I ask that the word "substitutes" be changed to "substitute," so that it will read, in conformity with the decision, "almond substitute."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 139, in line 8, after the word "per," to strike out "pound" and insert "pound; chestnuts (including marrons), candied, crystallized, or glacé, or prepared or preserved in any manner, 25 cents per pound," so as to read:

Almond paste, 18½ cents per pound; chestnuts (including marrons), candied, crystallized, or glacé, or prepared or preserved in any manner, 25 cents per pound.

The amendment was agreed to.

The next amendment was, on page 139, line 13, before the words "per pound," to strike out "2 cents" and insert "1 cent," so as to read:

PAR. 755. Cream or Brazil nuts, not shelled, 1 cent per pound.

The amendment was agreed to.

The next amendment was, on the same page, line 13, before the words "per pound" where they occur the second time, to strike out "6 cents" and insert "3 cents," so as to read:

Shelled, 3 cents per pound.

The amendment was agreed to.

The next amendment was, in line 14, before the words "per pound," to strike out "5 cents" and insert "2½ cents," so as to read:

Filberts, not shelled, 2½ cents per pound.

Mr. McNARY. Mr. President, I am informed that my colleague [Mr. STEIWER], who is at present absent from the Chamber, desires to discuss this matter. I suggest the absence of a quorum; or I am willing to permit the matter to be postponed for a moment, until his return to the Senate—either way.

The VICE PRESIDENT. Is there objection to temporarily passing over the amendment?

Mr. SMOOT. I have no objection.

The VICE PRESIDENT. The amendment will be passed over without prejudice. The clerk will state the next amendment.

The next amendment was, in line 15, after the word "per," to strike out "pound" and insert "pound; pignolia nuts, 1 cent per pound; pistachio nuts, 1 cent per pound."

The amendment was agreed to.

The next amendment was, on page 139, line 21, before the words "per pound," to strike out "7 cents" and insert "6 cents," so as to make the paragraph read:

PAR. 757. Peanuts, not shelled, 4¼ cents per pound; shelled, 6 cents per pound; blanched, salted, prepared, or preserved, not specially provided for, and peanut butter, 7 cents per pound.

Mr. GEORGE. Mr. President, I will ask the chairman of the committee just why this reduction was made?

Mr. SMOOT. It was made in accordance with the presidential proclamation.

Mr. GEORGE. The old rates were 3 cents and 4 cents, 3 cents on the unshelled and 4 cents on the shelled.

Mr. SMOOT. Yes.

Mr. GEORGE. After the investigation by the Tariff Commission, of course 50 per cent was as high as the President could have gone, which would have made the higher rate 6 cents.

Mr. SMOOT. That is true.

Mr. GEORGE. The House having fixed a rate of 7 cents on the shelled nuts, I do not see why the committee might not have left it at that figure.

Mr. SMOOT. The report of the Tariff Commission, after the investigation was made, shows that 6 cents was the difference.

Mr. GEORGE. I think that is true; and yet this is also true, that importations of peanuts into this country amount to about 7 per cent, and the competition is in the shelled big peanuts; that is, in the shelled Virginia type of peanut or North Carolina type of peanut. About 50 per cent of the shelled nuts of that type are imported.

While I recognize the fact that the Tariff Commission's findings would indicate that 6 cents is the outside duty that ought to be placed on these peanuts, inasmuch as the House fixed the rates at 4¼ and 7 cents, I am somewhat at a loss to know why the Senate committee cut the rate on the shelled nuts to 6 cents.

Mr. SMOOT. Mr. President, the House committee reported the rate at 6 cents, according to the proclamation of the President, but that was one of the items that was changed after the bill got on the floor of the House.

Mr. GEORGE. The Senator is correct about that. I am just calling attention to the matter. As a matter of fact, but two types of peanuts are grown in this country. The big nut is raised very largely in North Carolina and Virginia, on which this tariff is effective. On the Spanish nut, grown more extensively in the Southeast, and an important crop, the present tariff is not effective, and I will say frankly that there is no need of increasing the rate so far as the Spanish peanuts are concerned. I think that a rate of 7 cents would be helpful to the Virginia and North Carolina type nut; that is, 7 cents on the shelled nut.

Mr. SIMMONS. Mr. President, I rise to ask the Senator from Utah why the Finance Committee retained the House rate on unshelled peanuts, very few of which are imported into this country, and reduced the House rate on shelled peanuts, which are imported into this country in large quantities?

Mr. SMOOT. The answer is this, that the President's proclamation fixed a rate on unshelled peanuts of 4¼ cents, and on

shelled peanuts of 6 cents. The House committee reported 4¼ cents and 6 cents, but on the floor of the House, as I have already stated, the rate on the shelled peanuts was increased from 6 cents, the rate fixed in the presidential proclamation, to 7 cents.

Mr. SIMMONS. The Senator's explanation is, then, that the Senate committee was trying to conform its rate to the proclamation of the President?

Mr. SMOOT. That is exactly it.

Mr. SIMMONS. That the rate was increased——

Mr. SMOOT. On the floor of the House.

Mr. SIMMONS. In view of the fact that there are practically no importations of the unshelled and very large importations of the shelled, and that those importations have been continued, notwithstanding the increased rate made by the proclamation of the President, does the Senator think that the action of the House was not warranted?

Mr. SMOOT. I will say frankly that I do not know enough about the difference between the peanut in the shell and when shelled, of the type of peanuts that would be affected by these rates, to answer the Senator's question. As to the smaller peanut, grown in Georgia and other States outside of North Carolina and Virginia, it would make little difference.

Mr. SIMMONS. The large type of peanuts that are imported shelled are not produced to a great extent in North Carolina. They are produced chiefly in Virginia.

Mr. SMOOT. The report shows that those two States are those where they are produced.

Mr. SIMMONS. If the amendment of the committee is adopted, the matter will be in conference.

Mr. SMOOT. Yes; it will be in conference.

Mr. HARRIS. Mr. President, I hope the provision for a 7-cent rate will remain in the bill. It has been quite a help to the peanut growers in my section. I hope the Senate will vote down the committee amendment which reduces this rate and leave the rate at 7 cents.

Mr. SMOOT. Mr. President, I had not intended to say anything about the rates, and should not have said anything but for the statement just made. I want to call the attention of the Senate to the fact that the rate of 4¼ cents is 100 per cent increase, and the 6-cent rate is 110 per cent increase. Those are the ad valorem rates. I am perfectly willing to support the presidential proclamation, and think that ought to be done, and let the other matter go to conference.

Mr. SIMMONS. Mr. President, may I ask the Senator if he has any data showing the amount of importations since the imposition of the 6-cent duty?

Mr. SMOOT. Yes; I have the figures for 1927 and 1928.

Mr. SIMMONS. I have been unable to get the figures for 1928, but I have them for 1927.

Mr. SMOOT. I will give them to the Senator now. In 1928 there were imported 38,898,599 pounds, valued at $2,147,166.

Mr. SIMMONS. How does that compare with 1927?

Mr. SMOOT. The value per unit was 5½ cents. In 1927 the imports amounted to 31,461,000 pounds. In 1928 there were imported a little over 6,000,000 pounds more than in 1927. The unit value in 1927 was 4½ cents, and the unit value in 1928 was increased to 5½ cents.

Mr. SIMMONS. As I understand the Senator, then, after the duty was raised to 6 cents, imports increased instead of diminished?

Mr. SMOOT. Yes; and the value increased; the value of the foreign peanuts increased.

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

The amendment was rejected.

The VICE PRESIDENT. The Chair may state that the junior Senator from Oregon [Mr. STEIWER] is now in the Chamber. Does the Senator from Utah desire to return to the amendment passed over a few moments ago?

Mr. SMOOT. If the Senator from Oregon is ready, I would like to return to paragraph 755, relating to filberts.

The VICE PRESIDENT. The amendment will be stated.

The amendment was on page 139, line 14, where the committee proposes to strike out "5 cents" and insert in lieu thereof "2½ cents," so as to read:

Filberts, not shelled, 2½ cents per pound.

Mr. STEIWER. Mr. President, I understand that my colleague [Mr. MCNARY] asked that this amendment go over awaiting my return to the Chamber. He was assuming that I had in mind a discussion of the matter.

My thought just now is that it is not necessary to discuss it. I am entirely agreeable to the present consideration of the matter and a vote. I think the Senate sufficiently understands the question at issue.

Mr. SMOOT. I want to say to the Senator frankly that since we reached the amendment I have made a further investigation personally, and I really think the committee amendment should be disagreed to.

Mr. STEIWER. With that statement, there is nothing I would care to say about it.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The question is on agreeing to the amendment.

The amendment was rejected.

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

The next amendment was, in paragraph 755, on page 139, line 14, to strike out "10 cents" and to insert "5 cents," so as to read:

Filberts, shelled, 5 cents per pound; pignolia nuts, 1 cent per pound; pistache nuts, 1 cent per pound.

The amendment was rejected.

The next amendment was, on page 140, line 2, after the word "per," to strike out "pound" and insert "pound; pecans, unshelled, 3 cents per pound; shelled, 6 cents per pound," so as to make the paragraph read:

PAR. 758. Walnuts of all kinds, not shelled, 5 cents per pound; shelled, 15 cents per pound; blanched, roasted, prepared, or preserved, including walnut paste, 15 cents per pound; pecans, unshelled, 3 cents per pound; shelled, 6 cents per pound.

Mr. HARRIS. Mr. President, I have an amendment, which I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia proposes the following amendment, which will be reported for the information of the Senate.

The LEGISLATIVE CLERK. On page 140, in the matter proposed to be inserted by the committee in lines 2 and 3, in line 2 the Senator from Georgia proposes to strike out the numeral "3" and to insert the numeral "5," and in line 3 to strike out the numeral "6" and insert in lieu thereof the numeral "10."

Mr. HARRIS. Mr. President, in this paragraph, 758, rates are provided on walnuts at 5 cents a pound and 15 cents a pound, but when pecans were reached, on which a duty is needed far more than on walnuts, the duty was reduced by the committee to 3 cents a pound on unshelled pecans and 6 cents on shelled.

My amendment is to make the rate on unshelled pecans 5 cents and on shelled pecans 10 cents. This would be just half the rates on walnuts and other nuts.

Mr. SMOOT. I did not quite understand the Senator. He refers to pecans?

Mr. HARRIS. Yes.

Mr. SMOOT. The committee amendment provides 3 cents.

Mr. HARRIS. My amendment proposes to raise the rates to 5 and 10 cents, and even then they would be less than the rates on walnuts in the same paragraph. A great many pecans are sent in from Mexico, and it is necessary to have this duty in order to protect the industry.

Mr. SMOOT. The rate proposed is the same as in existing law, 3 cents for the unshelled and 6 cents for the shelled. The imports of the unshelled for 1927 were 207,675 pounds. The value was $19,031. In 1928 the imports amounted to 476,002 pounds, and the value was $43,707. The value per unit was 9.4 cents in 1927 and 9.2 cents in 1928.

The committee, taking into consideration the small importations, restored the rate in existing law. I will say to the Senator from Georgia that the users of these nuts, of course, wanted a good deal lower rate than that, but the committee did not feel that it ought to go below the present rate.

Mr. HARRISON. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. I yield.

Mr. HARRISON. I do not want to ask my question with a view of trying particularly to press the amendment of the Senator from Georgia, but I want to call to the attention of the Senator from Utah the fact that as to almonds, which are a good deal like pecans, the Senator advocated and there was levied a duty of 5½ cents a pound on those nuts, shelled. The duty proposed on pecans is 3 cents. On the unshelled almonds a rate of 11 cents is fixed. Everyone who knows the difference between almonds and pecans knows that it costs more to shell a pecan than to shell an almond. Yet they gave only 3 cents for shelling the pecans. Of course, pecans are grown in a certain section of this country which, unfortunately, had nobody on the committee to champion it.

I merely call that to the attention of the Senator. I say again that the item of filberts, which has just been acted upon here, where the production is infinitesimal as compared with the very great importations, is a case where there is real production in this country, and not a great deal of importations, although

there are some importations. The committee ought to deal with all things alike, it seems to me.

Mr. SMOOT. So far as I am personally concerned, I have tried to do it.

Mr. HARRISON. I was just pointing out the difference.

Mr. GEORGE. Mr. President——

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

Mr. SMOOT. I yield.

Mr. GEORGE. The Senator from Utah is quite right when he says the importations are very small, but the imported pecans are brought over from Mexico very largely.

Mr. SMOOT. But they are not very good pecans.

Mr. GEORGE. No; and I am coming to that. They are seedlings. But a small percentage of the seedling pecans do have the effect of adversely depressing the market. They affect the price of pecans, it is believed by the very best growers, because they are an inferior nut, because they are not up to the standard of the American nut; yet they appear to be the same nut; that is, they compare very well with the seedling nut. But the real producers of pecans in the Southern States, and they are very well-informed men who know their business, believe that the small importations do seriously affect their prices.

The House fixed the duty at 5 and 10 cents, and that rate is in keeping with the rates of duty imposed upon other comparable nuts not only by the House but by the Senate Finance Committee.

The Senator said there is nothing in the suggestion that nuts were raised in a particular section of the country. I have not wanted to make that issue particularly, but this is one of the most highly sectional tariff bills that was ever drawn. Intentionally or not, it remains true that it is. That is one difficulty the Senate has had with the bill. I do not say that the Senator from Utah is responsible. I want to relieve him of all responsibility. But graphite is principally a southern product, and the duty was reduced. Kaolin is distinctly and exclusively a southern product and the duty was cut 40 per cent, though there was not really any request for a reduction of the duty. The duty was taken off of wood tar and pitch, which the House had placed upon it, and it was put on the free list.

Mr. SMOOT. Where it had always been.

Mr. GEORGE. But it was put back on the free list. We can go through the bill, and it is difficult to find a product grown largely in the South as to which there has not been a reduction of rate or which has not been carried to the free list.

I do not like to make the argument, but there are numbers of nuts named in the bill which are comparable to the pecan, in which the rate of duty carried is equal to if not higher than the duty put upon pecans by the House; yet the Senate committee reduced the duty from 5 and 10 cents to 3 and 6 cents. That ought not to be. I do not subscribe to the high protective principle at all, though I am willing to support a truly competitive tariff. But whether one can support the bill when it comes to the final vote or not, the bill ought to deal justly with sections, it ought to deal justly between industries, and it ought not to discriminate between industries nor between sections. There is no inconsistency in taking that position.

Mr. REED. Mr. President——

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

Mr. SMOOT. I yield.

Mr. REED. I want to make a very brief statement.

Mr. SMOOT. I yield for that purpose.

Mr. REED. Mr. President, I had thought it was arranged that at 3 o'clock to-day we would go into executive session to consider some judicial nominations. I understand, of course, that most of the Members of the Senate would not consent to breaking in at this time for any protracted debate on nominations. I tried to arrange for a unanimous-consent agreement that we might vote on the nominations at 4 o'clock to-day. It has not proved to be possible to make such an arrangement, and many Senators feel that an executive session devoted to those nominations would take several hours of debate. For that reason I presume it would be unwise and unsuccessful to move for an executive session at this time.

I would like to ask the Senator from Idaho [Mr. BORAH], who was chairman of the subcommittee on two of the cases, or the Senator from Nebraska [Mr. NORRIS], chairman of the Judiciary Committee, whether that is their opinion as well as mine?

Mr. BORAH. Mr. President, I was chairman of both of the subcommittees, as suggested by the Senator from Pennsylvania, and reported the nominations to the committee and acquiesce in the desire to dispose of them; but I do not think we ought to take up the nominations in the midst of the tariff discussion, certainly not unless there could be a limit fixed for debate. I said to the Senator from Pennsylvania I do not think it is practicable to have limited debate. The debate may not be long, but certainly we could not in advance get an agreement as to a time to vote. Unless there could be an agreement as to the time to vote I shall certainly be opposed to taking up the nominations until we dispose of the bill.

Mr. LA FOLLETTE. Mr. President——

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

Mr. SMOOT. I yield.

Mr. LA FOLLETTE. The Senator from Pennsylvania was kind enough to consult me in this matter. I merely desire to state that while I would like to accommodate the Senator, I did not feel that it was proper to agree in advance to a limitation of debate upon the nominations. Some very important issues, in my judgment, are raised by them. The record in the case of the appointment from the middle district of Pennsylvania is a 164-page record. There are some intricate questions involved. Therefore I did not feel that I cared in advance to agree to a limitation of debate.

Mr. SWANSON. Mr. President——

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

Mr. SMOOT. I yield.

Mr. SWANSON. I hope the motion will not be made to take up the nominations at this time. I am satisfied from what I have ascertained that there will be delay and debate. Nobody can tell how long it might continue. Consequently, I think it would be very unwise to delay the tariff bill in order to take up the nominations of any individuals. I hope the matter will not be pressed for it might be construed favorably or unfavorably to the nominees. I know there is going to be prolonged discussion and I hope the nominations may go over. We are now making rapid progress with the tariff bill. The time we save on the bill before us, with respect to which we are now moving very rapidly, will aid the nominations to be considered at the proper time.

Mr. REED. But, Mr. President, here is the difficulty. The Watson nomination in Pennsylvania was made last April or May. As the Senate had not acted on it at the time we went into recess the nomination had to be sent back to the President. He had to make a new nomination. If we were going to recess from now until December 2, the nomination would not have to go back, but if we adjourn, as I suppose we shall before the long session, even if it is only over Sunday, that nomination will have to go back to the President. I think it is rather a pity that that should be the effect of our action.

The case has all been tried out. The subcommittee worked very hard. The Judiciary Committee itself considered the matter. I do not want to interfere at all with the work on the tariff bill, yet it does seem to me a great pity for the sake of the future record of the individual to require three nominations for a man through no fault of his.

Mr. CAPPER. Mr. President——

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

Mr. SMOOT. I yield.

Mr. CAPPER. One of the nominations in question is for a Federal judgeship for the district of Kansas. I am not demanding consideration of it at this moment, but I do want to inform the Senate that there is great need for early action on the appointment. I had a telegram yesterday from the attorney general of Kansas stating that two terms of court at Fort Scott had been postponed because of a failure to get confirmation of this appointment. There has been a vacancy in this judgeship for something like six months. I can not emphasize too strongly that it is highly important that we have a new judge in Kansas at the earliest possible moment. I hope there will be no further delay.

Mr. NORRIS. Mr. President, we are in a dilemma here that we can not get out of without neglecting a duty perhaps one way or the other, as I look at it. No one is more anxious and no one will go further than I to expedite a proper consideration of the tariff bill. I do not think I have to apologize in that respect. I think we are all anxious to do that. But let me tell the Senate what kind of a condition confronts us. Let me first read the rule of the Senate:

> Nominations neither confirmed nor rejected during the session at which they are made can not be acted upon at any succeeding session without being again made to the Senate by the President.

That means that the nominations in the two instances in which there are district judges nominated to fill vacancies where there is no judge now, will go by the board. The President will have to renominate. In one instance he has already done

so because under another provision of the same rule it is provided that where the Senate takes a recess for 30 days or more all nominations fail that are not definitely disposed of at the time.

When we took our recent recess the nomination of Mr. Watson to be a judge in the middle district of Pennsylvania failed and the President had to send his name back a second time. Unless we confirm or reject this nominee now, he will probably be nominated a third time, and still there is no judge up in that district.

If it was a case where there was no contest in regard to it I would know what to do about it, because it would be a matter of form to be sent in here and disposed of; but in this case there is a contest. I myself am opposed to the confirmation. We are confronted with a different proposition: Here is the Judiciary Committee, which has had great trouble and sometimes great difficulty in having a meeting during the days when the Senate has been convening at 10 o'clock in the morning.

That committee has disposed of these matters and is ready for a decision by the Senate. We have decided so far as the committee is concerned and made a report, and the names of the nominees are now on the calendar ready for final action by the Senate. If the nomination of Mr. Watson should be rejected, then a new name will have to be sent in, will have to be referred to a subcommittee of the Judiciary Committee, and perhaps more hearings will be held and more delay take place.

I should regret to displace the tariff bill. I would not do it under any ordinary circumstances, but it seems to me we are confronted with a condition where it is our duty to do it. We ought to dispose of these nominations. The work has all been done except the final action of the Senate.

Mr. SWANSON. Mr. President, it seems to me that it would not be necessary for the committee again to consider these nominations and make further reports. The same Congress will continue from this session into the next. If it were a case where Congress expired on the 4th of March and a new Congress then came in, of course, all bills or reports and all measures on the calendar would die with the expiration of the Congress. In this instance the committee has acted and has submitted reports; those reports remain on the calendar, and can be taken up at any time that it is the pleasure of the Senate to proceed with their consideration. The next session will not be the first session of the new Congress but simply a new session of the existing Congress. If we should adjourn, the President would have to send in new nominations, but if we took a recess he would not have to do so.

Mr. NORRIS. Mr. President, I thought I made that plain by reading the rule. Let me read it again.

> Nominations neither confirmed nor rejected during the session at which they are made shall not be acted upon at any succeeding session without being again made to the Senate by the President.

That, it seems to me, makes it perfectly plain. We do not have to adjourn, but the session will end automatically when the regular session begins, and under this rule, it seems to me, that means "good-by" to everything on the Executive Calendar.

Mr. SWANSON. Mr. President, if the Senator will permit me further, while the nominations would have to be sent in again by the Executive, the committee has examined into these cases, and, unless there is additional evidence desired to be presented, there would be no occasion for the committee considering the nominations again.

Mr. NORRIS. If we do not get another report from the committee, the nominations will never get back here. It may be true that it could be done quicker if the nominations were resubmitted; but, as a matter of fact, the hearing that took place in regard to Mr. Watson, I think, was longer than it was at the previous session when the nomination was first submitted. It may be, however, that new evidence will be presented and that new hearings will be demanded by members of the bar or others interested in either one or both of these cases. In that event they would have to be referred to a subcommittee and the questions investigated. So far as I am concerned I would not want arbitrarily, as a member of the Judiciary Committee, to refuse to grant further hearings at any time before the nomination was actually out of the hands of the committee. As a matter of fairness I take it that in either one of these cases—although I am in favor of the confirmation of one and opposed to the confirmation of the other—if a respectable group of people presented a prima facie showing and desired to be heard in regard to the nominations, I would think it was the duty of the committee to follow their rule, refer the nominations again to a subcommittee, and direct further hearings to be held.

However, regardless of that, at some time we will have to dispose of these nominations. It will not take any longer, and probably not so long, to do it now as it would later on; and, as I look at it, it could not be, as has been suggested, any indication to the country that we are delaying the tariff bill or anything of that kind. For one, I do not want to do that, but it seems to me we are confronted with a duty here, and I should not like to stop the pending measure and take up the other matter; yet we ought to dispose of the nominations before this session closes. Having said that much, so far as I am concerned, the question is submitted to the Senate for whatever action the Senate may wish to take.

Mr. SMOOT obtained the floor.

Mr. BORAH. Mr. President——

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

Mr. SMOOT. I yield.

Mr. BORAH. Mr. President, it might occur that some time before the present session ends we could find an interlude in the tariff discussion when we could consider these nominations and dispose of them. Something may develop which will enable us to do that without really interfering with the progress of the tariff bill. If such should happen, I should be very glad to see them disposed of.

But, Mr. President, the Watson record is a very long one. I know that there is going to be an extended discussion in that case; and I doubt if the Hopkins case will be disposed of any more speedily. If we take up these two nominations now—and there is no reason why we should not take both of them up if we take up either—it will take a couple of days at least to dispose of them. I am very much opposed to doing that.

So far as the nominations are concerned, it may be that the President will have to send in the nominations again, but in the Watson case, while we have had two hearings, we did not complete the first hearing, because of the fact that the session ended before the hearings were completed; and in the second hearing, as it were, we did not take any evidence which we had already heard; we simply completed the first hearing. In my opinion, the evidence is all in. I do not know how they could find anything more; we went into everything that was suggested or hinted or intimated, and it is all in that record. If the name were sent in again, it would be nothing more than a formality to refer it to the committee and report it back. The Hopkins case is practically in the same condition. So I trust that we will not break into the consideration of the tariff bill by a prolonged discussion on a question of this kind.

Mr. REED. Mr. President——

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

Mr. SMOOT. I yield.

Mr. REED. Mr. President, I wish to make a suggestion. I see the force of the remarks of the Senator from Idaho [Mr. BORAH] and I understand that most of the Senators do not want to see any prolonged debate break-in to delay the tariff bill. At the same time we all must realize that if Judge Watson is going to be confirmed it is much better that his name should not have to be tossed back and forth between the White House and the Capitol in this way through no fault of his. There is not any law that requires nominations to be sent back to the President under these circumstances. Whatever we may call this session and the one that begins in December, it is practically a continuous sitting of the Congress.

The only thing that requires a nomination to be sent back is Rule XXXVIII of the Senate, and that can be suspended in these two cases by unanimous consent. I should like to suggest that, under the circumstances, that would be the appropriate action to take. If that shall be done, it will not prejudice either of the nominations or the opposition to the nominations, and it will not prejudice the judges if ultimately they are to be confirmed. At the same time, it will not interfere in the least with the tariff bill, because then we can continue the nominations on our Executive Calendar until the tariff bill shall have been concluded, and then we can dispose of them properly.

Mr. SWANSON. Mr. President——

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

Mr. SMOOT. I yield.

Mr. SWANSON. I have not looked up recently to ascertain whether it is correct or not, but I have an idea that the rule to which reference has been made is in pursuance of a statute. I know that at one time there was a custom of sending in nominations which would be pending for a long time, although perhaps ultimately rejected, but in the meantime the nominees would continue to exercise the duties of the office. It seems to me there is a statute which provides that where appointments fail of confirmation they shall be sent back to the President, and that the rule of the Senate was adopted in accordance with that statute.

Mr. REED. I do not think so.

Mr. SWANSON. I may be mistaken. I suggest that the Senator look into it, however.

Mr. REED. I will be glad to do so. The power of confirmation is a constitutional power of the Senate. Rule XXXVIII was adopted in order to establish the working machinery for exercising that constitutional power. The Constitution itself does not say anything about the session of the Senate; it simply provides that the Senate shall confirm the nominations that are sent to it.

Mr. SWANSON. I have an idea that the statute provides where a nomination is made in recess of the Senate, and not confirmed during the session of the Senate, that the President must send the nomination back to the Senate at the next session. I have not looked up the statute recently.

Mr. REED. There is a statute dealing with the pay of persons nominated during the recess of the Senate, but that has no application here.

Mr. WALSH of Montana. Mr. President, I think probably that is the statute the Senator from Virginia has in mind. That was intended to prohibit continuing one who is in office, notwithstanding the fact that the Senate refused to confirm him. If I understand the proposition of the Senator from Pennsylvania aright, it is that we now enter into a unanimous-consent agreement that, despite Rule XXXVIII, these nominations be continued without prejudice over the conclusion of the present session?

Mr. REED. Yes, Mr. President.

Mr. WALSH of Montana. I think that would be a very satisfactory solution of the problem.

Mr. NORRIS. Mr. President, that may be a satisfactory arrangement if we have to resort to it, but there is no necessity for trying to secure such an agreement now. We can wait until nearer the close of the session. As the Senator from Idaho [Mr. BORAH] suggested, something may happen in connection with the tariff bill which will afford an opportunity to consider something else before the end of the present session. I would not to-day agree to unanimous consent such as the Senator from Pennsylvania proposes. I think there is something in the suggestion made by the Senator from Virginia, that the rule has been adopted in pursuance of a statute. I am not sure about it, but in the meantime within the next day or so we can have that looked up.

Mr. REED. Very well.

Mr. NORRIS. And perhaps if we find that it would not conflict with the law we can enter into such a unanimous-consent agreement as has been proposed and put the nominations over. However, it is premature now to take that action, in my opinion.

Mr. REED. Then, in order to give us time to look into that question and possibly to dispose of the nominations at this session, I will withdraw the request until the middle of next week.

Mr. SMOOT. Mr. President, the committee thought it wise to keep the same rate of duty on pecan nuts as is provided in the existing law. I do not know why that rate should not be continued. The importations are very slight and they virtually all come from Mexico. No one who has ever tried to eat a Mexican pecan will ever try it the second time, in my opinion. If they have any use in this country it is because they are cheap and are put in Christmas stockings and Christmas baskets and bundles. They make weight, but no child ever ate one or tried to eat one, or ever will eat one, in my opinion. A friend of mine in Texas sent me a bag of them once, and I want to say to the Senator from Texas that after trying to break one of them and eat it they remained in my cellar until the worms got into them, and then we had to burn them.

If there was any competition at all I would not hesitate for a single moment in consenting that the duty be increased.

Mr. HARRIS. Mr. President, not to agree to the amendment which has been proposed is to discriminate without reason against one kind of nut. I do not believe the Members of the Senate wish to do that. I hope my amendment will be agreed to. I wish the Senator from Utah would accept it and let it go to conference.

Mr. CONNALLY. Mr. President——

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

Mr. CONNALLY. I do not desire the Senator to yield. I thought he had yielded the floor.

Mr. HARRIS. Mr. President, I hope the Senator from Utah will accept the amendment.

Mr. SMOOT. Why not agree to the committee amendment and let it go to conference? I assure the Senator that we will consider the question there.

Mr. HARRIS. I hope the Senator will not ask that. I do not believe the Senate is going to vote down this amendment. It simply gives pecans a rate which is given to practically every other similar kind of nut; the same rate which is given in the identical paragraph as to walnuts. I do not believe the Senate will discriminate against pecans in this way.

Mr. SMOOT. In the one case there are importations and in the other there are hardly any. I am perfectly willing to take the sentiment of the Senate and let it go to conference, and then we will see what we can do in conference.

Mr. HARRIS. I should like to have a vote on my amendment.

Mr. CONNALLY. Mr. President, if what the Senator from Utah says about these Mexican pecans is true—and I do not dispute it—there ought to be an embargo on them instead of a 3-cent tariff.

The Senator has pointed out that the Mexican pecans are imported here and put into the Christmas stockings of the children, proving a terrible disappointment, full of worms. That is an argument why there ought to be an embargo on Mexican pecans.

Mr. SMOOT. I would not care if there were.

Mr. CONNALLY. I do not make any contention that the imports from Mexico are considerable; but in view of the fact that the Senator from Utah sponsors an increase in the duty on walnuts, 5 cents unshelled, 15 cents shelled, and an increase in Brazil nuts—we held up the great and important question of the importation of Brazil nuts until the Senator from Oregon could return to the Chamber; we had to stop the legislative wheels here to determine whether we would increase the duty 1 cent per pound on Brazil nuts—I make no contention that this is an important item, because it is not.

Mr. SMOOT. Mr. President, it is not an important item; and if Senators want to reject the committee amendment, let them reject it.

Mr. CONNALLY. Why, certainly. Now, why does not the Senator withhold his resistance? With his resistance removed, the Senate will reject this amendment and agree to the amendment that is proposed.

Mr. SMOOT. The committee, however, was charged with being unfair and sectional. I did not think that was right.

Mr. CONNALLY. While I am on my feet I desire to compliment the Senator from Utah. I think he has shown a marvelous spirit throughout this whole tariff affair. I started to say "this tariff struggle"; but it has ceased to be a struggle, so I will say "affair." I think he has shown a wonderful and a marvelous spirit, and I want to absolve him from any sectional interest in the bill. He is not responsible for what the committee did behind closed doors. I am sure that if the Senator from Utah were absolved from the ban of secrecy, he would reveal a story of what went on behind closed doors that would put him in that light.

Mr. SMOOT. The Senator from Utah does not want any commendation to which he is not entitled, nor does he want to cast any reflection upon any member of the committee, whether he be Democrat, or Republican, or of any other faith. What I want to do is to get this bill into conference. I am perfectly willing that the Senate shall reject this amendment.

Mr. CONNALLY. That the Senate shall agree to the amendment, the Senator means?

Mr. SMOOT. No; that the Senate shall reject the committee amendment. That is what the Senator wants.

Mr. CONNALLY. No; no. I will say to the Senator that the committee changed the item in such a way that it is necessary now to adopt the amendment of the Senator from Georgia [Mr. HARRIS].

Mr. HARRIS. It is the same thing.

Mr. CONNALLY. The effect is the same, but I do not want the Senate to vote under a misapprehension.

Mr. SMOOT. If they should reject the committee amendment, the amount would be all right.

Mr. CONNALLY. Oh, no! The item would then be put under the head of "Edible nuts," the rate on which is 1 cent a pound.

Mr. SMOOT. Then, what the Senator wants to do is to agree to the committee amendment with an amendment.

Mr. CONNALLY. With the amendment of the Senator from Georgia [Mr. HARRIS]. He has offered the amendment.

Mr. SMOOT. That will be all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. HARRIS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 140, line 4, after the word "nuts," to strike out "not specially provided for, not shelled,

5 cents per pound; shelled, 10 cents per pound" and insert "shelled or unshelled, not specially provided for, 1 cent per pound," so as to read:

PAR. 759. Edible nuts, shelled or unshelled, not specially provided for, 1 cent per pound; pickled, or otherwise prepared or preserved, and not specially provided for, 35 per cent ad valorem; nut and kernel paste not specially provided for, 25 per cent ad valorem.

Mr. WALSH of Massachusetts. Mr. President, I sincerely hope the amendment of the Finance Committee will be approved in this instance.

I want to take this occasion to call attention to the outrageous duty which the House bill contains with reference to edible nuts. The present duty is 1 cent per pound. The House proposed to increase the duty upon unshelled edible nuts to 5 cents, and upon shelled nuts to 10 cents per pound. None of these nuts are produced in the United States. The United States imports and consumes about 4,000,000 pounds per year. If the duty levied by the House becomes a law the public will pay $400,000 to consume 4,000,000 pounds of nuts. The increased rate recommended by the House was 1,000 per cent upon these nuts, not one of which is produced in this country. The Senate Finance Committee has very properly and wisely proposed an amendment that reduces the duty in the House bill to 1 cent, the present law.

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 140, line 17, before the words "per bushel," to strike out "63 cents" and insert "56 cents," so as to make the paragraph read:

PAR. 760. Oil-bearing seeds and materials: Castor beans, one-half of 1 cent per pound; flaxseed, 56 cents per bushel of 56 pounds; poppy seed, 32 cents per 100 pounds; sunflower seed, 2 cents per pound; apricot and peach kernels, 3 cents per pound; soybeans, 2 cents per pound; cottonseed, one-third of 1 cent per pound.

Mr. FRAZIER obtained the floor.

Mr. SMOOT. Mr. President, I simply want to say to the Senator that the rate of 56 cents is the rate fixed in a presidential proclamation; and the committee gave the presidential proclamation rate on flaxseed.

Mr. FRAZIER. Mr. President, I move, as a substitute for the committee amendment, to strike out "56" and insert "70," which would make it read:

Seventy cents per bushel of 56 pounds.

Mr. HARRISON. Mr. President, I sincerely hope the Senator will not offer the amendment for 70 cents. Will he not offer it for 65 cents? The House gave 63 cents, I believe.

Mr. FRAZIER. Mr. President, I desire to speak very briefly on the matter, and I will explain why I want to raise the amount to 70 cents.

As the Senator from Utah has explained, 56 cents is the rate to-day, which was provided under the President's proclamation upon recommendation of the Tariff Commission. The Tariff Commission at that time made an investigation, and based their findings on the invoice prices of flaxseed in Argentina, where approximately all the flax is produced that is imported into the United States. Basing the difference in cost of production on the invoice prices, they found that 56 cents was the difference in the cost of Argentine flax laid down in New York and the flax produced in this country laid down in New York. However, in the Tariff Commission's report on flaxseed they also give the cost of production as found by a report from the Commissioner of Agriculture of Argentina.

On page 45 of this report there is given the report of the Minister of Agriculture to the Rural Society of Argentina, and he gives a table setting forth the costs of production and the various items that enter in. According to his statement the cost of production of Argentine flax on board the boat in Argentina is $1.37 per bushel in American money; and, according to their figures, the cost of transportation from Argentina to New York City is 23.7 cents per bushel, making a total cost in New York of 1.60\frac{7}{10}$ per bushel. According to the Tariff Commission's report the price in New York of our domestic flax is 2.53\frac{9}{10}$. That would leave a difference of 93 cents per bushel between the actual cost of Argentine flax, according to the figures of the Minister of Agriculture of Argentina, and the cost as stated by the Tariff Commission for domestic flax laid down in New York.

Mr. President, it is conceded, I believe, by every one that this is one outstanding agricultural product on which the tariff is 100 per cent effective. We have talked about paper schedules, and all that; but here is one farm product, flax, where the tariff is conceded to be 100 per cent effective. Of course, there must be a compensatory duty on linseed oil; and that, of course, is to be considered, as the linseed crushers are the sole market for the American-produced flaxseed. According to the estimates of the best authority we have in North Dakota, our acreage during the present year of 1929 was increased 35 per cent in the production of flax, and the acreage throughout the Middle Northern States and Western States can undoubtedly be increased in the production of flax two or three million acres if an additional tariff can be put on here that will give the farmers something like the cost of production in producing that flax; and that two or three million acres of additional flax land would mean two or three million acres less of land devoted to raising wheat, of which we produce a surplus, which causes the farmer to sell his wheat below the cost of production.

Mr. President, I think it is no more than fair that a tariff of 70 cents be placed on this item, as, according to the figures given by the agricultural authorities of Argentina, the 70 cents does not begin to come up to the difference in cost of production. There is also another statement in this flaxseed book by the Tariff Commission, on page 46, by the Association of Rural Argentina, in which they give the different prices of land on which flax is produced; and in the case of the 10 different prices the average cost per bushel is $1.48, which is about 20 cents under the cost figured by the Tariff Commission.

Therefore, Mr. President, I move to strike out "56 cents," as given by the committee, and to insert "70 cents" in lieu thereof.

Mr. NORBECK. Mr. President, on this matter I can sympathize with the Senator from the adjoining State of North Dakota [Mr. FRAZIER], who is trying to do something for his farmers. He recognizes the inequality that exists. He has been here a good many years and is painfully aware of the situation. He was driven out of the Republican Party by an order of the bosses here at one time; but, fortunately, they had to crawl on the ground and ask him to come in again two years later in order to have a majority in the Senate, so he was really vindicated as far as that is concerned. I submit, however, that the only reason for his alleged disloyalty to the party was his sincere desire to be right with the people of North Dakota as he saw it.

It is admitted that the proposed duty on flaxseed will be effective. It is a price-fixing measure. The history of this is about as follows:

The McCumber bill of seven years ago gave us a rate of 40 cents a bushel. When the Tariff Commission investigated they found that the difference in cost of production here and abroad was 56 cents per bushel based on New York. The President fixed the rate at 56 cents. The bill, as it came from the House, carried a rate of 63 cents a bushel. The Senate Finance Committee dropped it back to the 56 cents. I presume this was done upon the recommendation of the new farm bloc of three eastern Senators, appointed by the sectional leaders of the Republican Party.

Mr. President, the amendment proposed by Senator FRAZIER would make the rate 70 cents per bushel, providing the conference committee would agree to it, and providing the House would accept the amendment. This is a far-fetched hope. The flax farmers would be fortunate, indeed, if they received a rate of 65 cents a bushel. This is not 9 cents higher than the difference in the cost of production here and abroad, but in addition to that the Northwest farmer gets some advantage in the freight, because about 74 per cent of his flax is now crushed in the Twin Cities; only 1 per cent reaches New York.

I agree with the Senator that a better price for flax would lead to some expansion of production, but he and I both know the limitations of any substantial expansion. Only a limited area in this country is suitable for flax. It has done very well on new land but seldom yields well on old land. That has been the experience all over the State of South Dakota, which is also a heavy producer of flax, although North Dakota leads substantially.

The argument advanced by the Senator, that it is important to reduce the wheat acreage, is the fallacious argument of the Farm Board. The reductions will be of no consequence unless they will be sufficient to reduce our production to the domestic needs, and no one has yet suggested the possibility of this. A million acres, more or less, of wheat does not affect the price perceptibly—in fact, the records show that the wheat production has been more dependent upon weather conditions than upon the acreage planted.

This question, as I see it, resolves itself to two propositions: First, can we get a larger rate than 65 cents; and second, do we want it?

I have already stated why I do not think we can get it.

I may add that I am not certain that we want it. First, we must keep in mind that there is only a small percentage of

American farmers that produce flaxseed, but all farmers buy linseed oil to paint their buildings. I have never believed that we could get farm relief by conferring special favors upon the small group and putting an extra burden upon every other farmer to accomplish this. The rule of fairness must prevail.

But, Mr. President, there is another reason equally as good. We have protested vigorously against the manufacturing schedules that are so high as to be a heavy burden upon the Northwest. We have insisted that the rule of reason should apply to this and that fairness should prevail. Let us not ask for something so high as to justify others in demanding more. Really, I think a careful examination of the record will disclose that the tariffs on industrial schedules take out of North Dakota twenty or thirty times the benefit that it can get from any tariffs on its farm products. The tariff is not effective in dealing with the agricultural problem; it reaches only a few. But anyway, let us not violate the rule that we ask others to keep. We want an increase, and I feel the Finance Committee has discriminated against the flax raiser while favoring the industrialist. Let us get the increase, but let us be satisfied with 65 cents. We can not justify any higher rate.

I would like to offer as an amendment to the amendment that the rate of 65 cents be substituted, which is 2 cents a bushel higher than the House had the rate and a good deal higher than the Senate committee had it; and perhaps we can get that rate. If so, it will be a very helpful rate.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota to the amendment offered by the Senator from North Dakota.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WALSH of Montana. Mr. President, I desire to inquire of the chairman of the committee whether the change in the flaxseed rate would not necessitate a change in the linseed-oil rate?

Mr. SMOOT. Yes; it will. We will have to go back to that.

Mr. WALSH of Montana. Will the Senator call that up, then?

Mr. SMOOT. When we acted on that provision of the bill, it was understood that we would go back to the linseed-oil item after passing upon flaxseed.

Mr. WALSH of Montana. When could the Senator take that up?

Mr. SMOOT. I thought we could go on with these other amendments now.

Mr. WALSH of Montana. Could we possibly take it up to-morrow morning?

Mr. SMOOT. I have no objection to taking it up to-morrow morning.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 140, line 23, before the words "per pound" to strike out "2 cents" and insert "1 cent," and on page 141, line 3, after the word "other" to strike out "vetches" and insert "vetch," so as to read:

PAR. 761. Grass seeds and other forage crop seeds: Alfalfa, 5 cents per pound; alsike clover, 5 cents per pound; crimson clover, 1 cent per pound; red clover, 6 cents per pound; white and ladino clover, 6 cents per pound; sweet clover, 3 cents per pound; clover, not specially provided for, 3 cents per pound; millet, 1 cent per pound; orchard grass, 5 cents per pound; timothy, 2 cents per pound; hairy vetch, 3 cents per pound; other vetch, 1½ cents per pound; bentgrass, 10 cents per pound; bluegrass, 5 cents per pound; tall oat, 5 cents per pound; all other grass and forage crop seeds not specially provided for, 2 cents per pound: *Provided*, That no allowance shall be made for dirt or other impurities in seed of any kind.

The amendment was agreed to.

The next amendment was, on page 142, line 1, after the word "for" to strike out the comma and "and cowpeas," and in line 2, before the words "per pound" to strike out "3½ cents" and insert "one-half of 1 cent," so as to make the paragraph read:

PAR. 763. Beans, not specially provided for: Green or unripe, one-half of 1 cent per pound; dried, 2½ cents per pound; in brine, 3 cents per pound; prepared or preserved in any manner, 3 cents per pound on the entire contents of the container.

Mr. FLETCHER. Mr. President, I am opposed to the change in the rate as proposed, and I hope the amendment will be disagreed to.

Mr. SMOOT. If it is disagreed to, it must be disagreed to with an amendment.

Mr. JOHNSON. Mr. President, the Finance Committee fell into a natural error in relation to this very small item. It happens that cowpeas, so termed, are a part of the bean family. The Treasury Department determined that they came within the bean family, and were dutiable. The Curstoms Court recently has rendered a decision that is quite the reverse, and in order, therefore, to do what was sought to be done both by the House and by the Senate Finance Committee, it is essential that cowpeas, by the appropriate designation, shall be inserted in this paragraph after beans. Therefore I have proposed an amendment, that on page 142, line 1, we insert the words "and blackeyed cowpeas" after the words "beans, not specially provided for."

The amendment to the amendment was agreed to.

Mr. JOHNSON. Mr. President, while upon the subject, may I call to the attention of the Senator from Utah the fact that in order to make the appropriate correction on page 268, line 6, we should insert the words 'not specially provided for" after the word "cowpeas."

Mr. SMOOT. I ask that that be agreed to at this time.

Mr. JOHNSON. I present that amendment, that on page 268, line 6, the words "not specially provided for" be inserted after the word "cowpeas."

The amendment to the amendment was agreed.

Mr. TRAMMELL. Mr. President, the House rate was 3½ cents on green or unripe beans, and for some reason it was reduced to one-half of 1 cent by the Senate Finance Committee. That protection is nothing like ample for this industry. Beans should be put in the classification with other vegetables. They are produced in my State, and, of course, in quite a number of other States. We would like very much, and think it is only proper and just, that the House rate be restored, and that the committee rate be rejected.

Mr. SMOOT. Mr. President, the importations are almost nil.

Mr. SHORTRIDGE. Mr. President, we are looking into the future. When I saw the first printed copy of this bill, momentarily forgetting what had occurred in the Senate Committee on Finance, I thought it was a typographical mistake, and I could not understand why the committee had fixed 2 cents a pound on peas and one-half of 1 cent on beans. I could not understand it. I do not understand it now.

Mr. WALSH of Massachusetts. I think the explanation is the Boston influence—the influence of the Boston baked beans. [Laughter.]

Mr. SHORTRIDGE. Very likely. Perhaps that accounts for the attitude of the learned Senator this afternoon.

Mr. CONNALLY. Mr. President, did the Senator say a typographical mistake or a geographical mistake?

Mr. SHORTRIDGE. Not to indulge in levity, although it is a relief now and then for the best of men, I submit to the chairman of our committee that the committee made a mistake, never intended, to strike out 3½ cents as fixed in the bill as it passed the House and insert one-half of 1 cent.

I have very great respect for the House of Representatives. There are 435 statesmen making up that body, and I can not believe that they made this egregious mistake, this unpardonable mistake, of fixing 3½ cents on this important industry.

Mr. NORRIS. What did the Senator say as to the membership of the House, as to the number?

Mr. SHORTRIDGE. Four hundred and thirty-five.

Mr. NORRIS. I think it is 440 or more.

Mr. SHORTRIDGE. No; 435.

Mr. NORRIS. Well, 435. I think it ought to be said that, without doubt, every individual member had his attention called to this item, that they had a debate on the item, and voted their sentiments on it, and that there was no such thing as a committee running over them and fixing the rate without due consideration on the part of the House. That only adds to the strength of the Senator's argument.

Mr. SHORTRIDGE. I thank the Senator. I do not claim to be the only friend of the farmer here present.

Mr. NORRIS. Oh, no.

Mr. SHORTRIDGE. I happened to be born on a farm and was reared on a farm. I will not say I was born between two rows of corn. I have a very sincere sympathy for the man on the farm.

Mr. WALSH of Massachusetts. Mr. President, the Senate having objected to all proposals to increase duties upon manufactured products of the East, I implore the Senate please to be charitable with us and let us have our baked beans at a little lower price.

Mr. SHORTRIDGE. The Senator is not familiar with my amendment. I have voted——

Mr. WALSH of Massachusetts. I did not say the Senator, I said the Senate.

Mr. SHORTRIDGE. I beg the Senator's pardon. I believe in giving adequate protection to a miller as well as to a farmer.

Mr. WALSH of Massachusetts. I think the RECORD shows the Senator has not voted against a single proposal to increase any rate in any schedule. Am I correct?

Mr. SHORTRIDGE. I hope the Senator is; but I may have made an error; I may have been misled, perhaps, by the persuasive arguments of the Senator from Massachusetts.

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

Mr. SHORTRIDGE. I yield.

Mr. FLETCHER. It might be pointed out that this item refers to green and unripe beans, and therefore it does not fit the Boston case exactly.

Mr. SHORTRIDGE. I do not know the disposition of the Senate now, but I do submit that a mistake was made.

Mr. WALSH of Montana. Mr. President, I understood the Senator to say that this should not be reduced, because peas carry the same rate.

Mr. SHORTRIDGE. I may have spoken inaccurately.

Mr. WALSH of Montana. I find that peas, green or unripe, carry a rate of but 2 cents a pound.

Mr. SHORTRIDGE. Yes, Senator; if I said 3½, I was in error.

Mr. WALSH of Montana. There are several things which need explanation. In the first place, we can hardly conceive that it was either a typographical error or a geographical error on the part of the committee in thus reducing the rate on beans. I suppose the committee must have had some reason for making such a substantial reduction, from 3½ cents a pound to a half a cent a pound. But we have not had any explanation of that at all. Furthermore, I call attention to the fact that beans are given 3½ cents per pound in the House bill and peas only 2 cents a pound. I suppose somebody will be able to make some explanation as to why peas are thus discriminated against.

Mr. SHORTRIDGE. Sometimes Homer nods. It may be that our chairman has forgotten the discussion before the committee. My recollection is that, as of then, some of us called attention to the disparity in the matter of protection between these two articles. The Senator from Montana is, of course, accurate in calling our attention to the fact that peas bear a rate of 2 cents. The House put a rate on beans of 3½ cents. As to why that is so I can not determine or even express an opinion. I am not concerned with present matters, nor very much concerned with the record of last year's importations or exportations. We can not call back yesterday. We are legislating for to-morrow. I see no reason why they can not raise beans in Mexico and ship them to California, as they do, even as they raise and ship peas into California.

I suppose it takes about the same amount of labor to cultivate the one vegetable as the other. I have done with it, as far as I am concerned. I think they ought to bear the same rate.

Mr. WALSH of Massachusetts. Mr. President, does the Senator mean to say that he thinks the record of imports and exports is of trifling and inconsequential importance in considering tariff duties?

Mr. SHORTRIDGE. I do, with this qualification——

Mr. WALSH of Massachusetts. I wanted to be sure I understood the Senator. I understood him to say that.

Mr. SHORTRIDGE. If everybody will pardon me, I wish to express the thought in a few words that I have in mind.

Senators will remember that for many years, indeed centuries, England was a highly protective tariff country. She developed her manufacturing industries to such an extent that her agriculture did not afford sufficient or ample food for her people. It came about, in the time of Sir Robert Peel, that a fight was made to repeal the corn laws, the tariff on foodstuffs. Sir Robert Peel, reluctantly but perhaps politically, consented to the repeal of the so-called corn laws, but he said what now I am going to say. He said, "I reserve to myself the right to shape my conduct according to the exigencies of the times."

That is what the learned and able Senator from North Carolina [Mr. SIMMONS] and many of his distinguished confrères have done in respect to tariff legislation. They have, properly, I think, changed their minds, due to the exigencies of the times. Changed conditions at home and abroad bring about a change of attitude of mind in respect to legislation. I do not tie myself to the past. I look into the future. What I mean to say is that imports of five years ago are not impressive; imports of two years ago might not be persuasive. The question is what may occur to-morrow in view of the changed conditions of the world.

Therefore, to repeat and very poorly express what is in my mind, I reserve, as Sir Robert Peel said, the right to shape my conduct according to the exigencies of the times. I submit that we should look into the future and that, so looking with respect to these two articles, we should place them on a parity, if you please. If it be 2 cents on the one, let it be 2 cents on the other.

Mr. REED. Mr. President, inquiry was made by the Senator from Montana as to the committee's motive in making the reduction from 3½ cents to one-half cent a pound. As I understood him, he said that no one had explained that drastic reduction by the committee. As I recall it, the committee's motive, certainly my own motive, in making that reduction was to give recognition to the fact that the imports of green beans, mostly lima beans, come in from November to May at a time when there is no domestic production.

The effect of the House rate, it seems to me, would be to add to the price of the green lima beans at a time when there is no domestic industry to protect. If that were not the case, I should have been in favor of a higher duty, but the American grower is not affected either favorably or adversely by the price that prevails during the winter, and it is during the winter that those green beans come in. That was my reason for voting for the rate.

Mr. SMOOT and Mr. FLETCHER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED. I will yield first to the Senator from Utah.

Mr. SMOOT. There was not an ounce of those beans shipped into the United States after the 20th day of February last year. They all came in from November 7 to February 20. There was not an ounce imported into the United States during the balance of the year.

Mr. REED. I yield now to the Senator from Florida.

Mr. FLETCHER. I can not understand how the Senator gets the impression that none of these vegetables are produced in Florida from November to May. That is the very time we produce them.

Mr. SMOOT. I have never made that statement.

Mr. FLETCHER. The Senator from Pennsylvania said they were not produced in this country.

Mr. REED. We had a chart showing the amount that was produced.

Mr. FLETCHER. I do not care anything about the chart. I know what happens in my State, and I know that we do produce these beans in November, December, January, February, March, and April.

Mr. REED. There are some produced, but they are very small in quantity and the price is very high. That is the one time when the man who can produce green lima beans does not need any protection, because the price he is getting is so extremely high. If any proof had been given of a need for protection at those times of high prices, my conclusion would have been different.

Mr. SMOOT. Mr. President, let us look at the domestic production of string beans. Last year there were produced in the United States 1,071 carloads, and there were imported 66 carloads between November 28 and February 13. The first car arrived on November 28 and the last four cars arrived on February 13. Those are the dates between which importations arrived and there were 66 carloads of string beans that were shipped into the United States. That is the situation. There were 1,071 carloads produced in the United States and 66 carloads imported beginning, as I said, with one carload on the 28th day of November and the last four carloads arriving in the United States on February 13.

Mr. TRAMMELL. What year was that?

Mr. SMOOT. It was last year; 1928.

Mr. TRAMMELL. I do not know whether the fact that we had a storm last fall which very much interfered with the farmers growing field crops was the cause of it, but I think probably on that account the crop was somewhat short last season.

Mr. SMOOT. If there was a storm, it was between those same dates. The first carload of domestic string beans came in on November 7. The production in the Senator's State began November 7. The total production, mainly in Florida, was 1,071 carloads.

Mr. TRAMMELL. Not all of the truck farming territory was included within the storm area. There was a considerable part of it, however. It may have been that in some of the area not within the storm section they did get their planting done at the usual time.

Mr. SMOOT. Of string beans produced in the United States in 1927, there were 1,006 carloads, so in 1928 there was a little larger production than in 1927. The storm did not interfere with the number of carloads produced.

Mr. TRAMMELL. We had the same condition to contend with in 1927, so far as statistics are concerned, following the storm of 1926.

Mr. SMOOT. I have the average for the three years, if the Senator would like to have it. The average for the three years was 1,102 carloads. That was the domestic production for the three years.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I yield.

Mr. SHORTRIDGE. Does the Senator have the figures showing the imports?

Mr. SMOOT. Yes.

Mr. SHORTRIDGE. From where did the imports come?

Mr. SMOOT. From Mexico.

Mr. SHORTRIDGE. Has the Senator the figures showing the production in the United States?

Mr. SMOOT. Yes.

Mr. SHORTRIDGE. The reason why we want a higher protective rate is that we may raise this vegetable in certain months. It is a question of fact. It is simply a question of fact whether down in Florida they can raise beans during certain months of the year.

Mr. SMOOT. They can raise them and they do raise them. They raise nine times the amount that is imported into the United States.

Mr. SHORTRIDGE. I want them to raise all that the people in the United States eat. I want them to supply the American market. I am not speaking now immediately for California, because we do not raise so many as are raised in Florida. But it is a question of fact, not of theory. Can they raise this vegetable in Florida and possibly in some of the other States during certain months of the year? I understand that they can. I undertake to say and I do say that in certain of the counties of southern California we can raise these beans during certain and all of the months of the year. But, for reasons that are obvious, we can not compete with Mexican labor.

I hasten to say that certain hotel people in California have telegraphed me and written me favoring a seasonal-rate theory, and the amendment is intended by indirection to bring about an application of the seasonal-rate theory. I am opposed to the seasonal-rate theory. I realize that certain restaurants and big hotels who want to get the cheap beans from Mexico will not applaud what I am now saying, but I am thinking of the man who can raise that vegetable in California, as I know it can be done in Florida. Therefore I want a tariff rate that will protect them.

Mr. SMOOT. Mr. President, the number of carloads that I spoke of a few moments ago was the number of carloads that were shipped out of the South during the month the shipments from Mexico are coming into the United States. That is not all we produce in the United States. That is just the production during the months in which the importations come from Mexico.

In 1926 there were produced in the United States a total of 4,854 cars. In 1927 there were 7,301 cars of string beans produced in the United States, and in 1928 there were 5,760 cars. I spoke before only about the number of carloads produced in the United States during the period in which the beans are shipped in from Mexico.

Mr. SMITH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. SMOOT. I yield.

Mr. SMITH. The Senator is speaking now of snap beans?

Mr. SMOOT. String beans.

Mr. SMITH. String beans or snap beans. I dare say there are as many produced on the eastern coast of North Carolina, South Carolina, and Georgia as are produced in Florida. Ours come on a little later, of course. After the frost period is over South Carolina, through the entire coastal plane up to the foothills, produces these beans.

Mr. SMOOT. But at that time there are none coming in from Mexico. The last carload that came into the United States was on February 13.

Mr. SMITH. I am not speaking now with any reference to the tariff. I am speaking about the ability of this country to produce a sufficient quantity of the vegetable in question for the use of the United States. The fact of the business is that I know we have produced them in my State. The farmers were induced, in order to diversify their crops, to produce two or three acres of them on individual farms and then collectively ship them by the carload. I think I have with me a freight bill showing where they asked us to help pay the freight on them. We could furnish the markets of the world, but did not get enough to pay the freight.

Mr. SMOOT. They were not shipped during November but in February.

Mr. FLETCHER. Oh, no.

Mr. SMOOT. That is what we are talking about now, because none come into the United States after that time.

Mr. FLETCHER. After February?

Mr. SMOOT. The last importation, as I say, was on the 13th of February.

Mr. FLETCHER. I have not been able to get from the bureau the figures as to the importations. I made an effort to do that, but it was reported to me that those figures were not available. However, as to production in Florida in the season of 1928–29, in December there were 198 cars; in January, 119; in February, 432; and in the 1927–28 season in December there were 447 cars, in January 102, and in February 112, and so on for a number of years. We begin to ship in November.

I will call the Senator's attention to another fact. I think sometimes we get a wrong impression of production when we talk about carload lots, because many of these vegetables—and string beans is one of them—move in baskets and in less than carload lots. They are shipped often by express, under refrigeration or otherwise, in less than carload lots. So there is no record made of them. We only have a record as to carload shipments.

Mr. SMOOT. I am giving the carload shipments as compared with Mexican importations, because that is the only comparison which can be made. I am not saying that all of the string beans produced in Florida are shipped in carload lots. I am saying that the Mexican string beans arrive at the market in carload lots. Taking the carloads that come from Mexico, I say that during the same period in 1926 1,083 cars originated in Florida and only 25 cars came from Mexico. The period between November 7 to February 13 was the period during which shipments come in; at other times no beans come in.

Mr. FLETCHER. How about Cuba?

Mr. SMOOT. No string beans come from Cuba; lima beans come from Cuba.

Mr. SIMMONS. Mr. President, I wish to ask the Senator from Utah if it really makes any difference, so far as the competition between the foreign bean and the domestic bean is concerned, as to the time when the beans come in? I can understand that at certain seasons of the year when the southern producer or the western producer is selling his beans, carload lots come in from foreign countries and they might appear to depress the market and affect the price; but a large proportion of the beans, whether produced here or whether they come from abroad, are processed and preserved. String beans are canned; other beans are dried and preserved in various ways. If foreign importations are allowed to come in, they add just that many more beans to be dried or canned. They affect the market when they come in and are sold in the raw state, but also when they come in in the raw state from abroad and are processed they take the place of the American-grown beans.

Mr. SMOOT. Not a pound of the imported beans is canned, and not a pound of them is dried.

Mr. SIMMONS. Does the Senator mean that not a pound of snap beans is canned?

Mr. SMOOT. I am referring to the Mexican string beans. Not a pound of the beans which are imported from Mexico is for canning purposes. They are a seasonal product, they come in during the winter, and are used immediately upon their importation.

Mr. SIMMONS. Does the Senator mean to say that a bean grown in the wintertime can not be canned?

Mr. SMOOT. The price is too high to make it profitable to can then. The price soars; the price is such that they can not possibly be used for canning.

Mr. SIMMONS. I am not familiar with the bean situation. The Senator from Florida is much better qualified to speak about that than am I, but I know that a large quantity of beans produced in this country are canned.

Mr. SMOOT. That is true.

Mr. SIMMONS. And it is news to me to learn that no part of the same kind and type of beans that are brought in from abroad is canned.

Mr. SMOOT. The winter beans are too high priced. They are a luxury and are used in the high-priced hotels.

Mr. SIMMONS. Do they not come in in the spring also?

Mr. SMOOT. No. The first shipment comes in on the 7th day of November. That is the earliest date on which they ever come in. The last shipment that ever comes in in any year is on the 13th day of February.

Mr. SIMMONS. I do not know whether the Senator from Utah is an authority upon the subject or not.

Mr. SMOOT. I am not speaking by my authority.

Mr. SIMMONS. I do know, however, that the Senator from Florida is an authority upon the subject.

Mr. SMOOT. I will leave it to the Senator from Florida whether the statement I have made is not correct.

Mr. SIMMONS. I should like to hear what the Senator from Florida has to say about that.

Mr. FLETCHER. Mr. President, the duty on the dried beans is one thing. The Florida bean is a winter bean, produced only in the wintertime, because in later seasons they are produced very widely throughout the country, and there is no profit in producing them in Florida. The winter is the only time when Florida will get any benefit from the duty at all, so far as this item is concerned, and if the duty is made half a cent, then Florida is out of it entirely, and Florida will not derive any benefit from the tariff at all.

Mr. SMOOT. Florida has never raised beans enough during the three and one-half months to which I have referred to furnish the market in America.

Mr. FLETCHER. Give us a chance. Do not let Mexico come in and take the market away from us. Florida can produce them.

Mr. SMOOT. They are a luxury. No one can afford to use them unless it be a high-priced hotel or a rich man for his table during those months. That is the fact of the matter. Later, when every State in the Union produces beans—and there is not a State which does not raise beans—the crop thus produced is used for canning purposes, and the price of beans then is down so that it is possible to can them at a profit.

Mr. SIMMONS. Mr. President, I understand the Senator from Florida, whose State raises probably more beans of this kind at certain seasons of the year than does any other State in the Union, feels that the rate proposed would be very injurious to the industry in Florida.

Mr. FLETCHER. Absolutely; and I want the committee amendment disagreed to.

Mr. SMITH. Mr. President, if the Senator from Utah will allow me, may I ask the Senator from Florida a question? As indicated by the Senator from Utah, Florida beans come on the market at a time when the Senator from Utah says they do not need any protection on account of the extraordinarily high price. Do the bean growers of Florida realize that extra high price?

Mr. FLETCHER. The producer does not realize it, and I do not think anybody else realizes it, either.

Mr. SMITH. That is the crux of this whole matter. Here is the Senator living in a State so near the Tropics that the people there can produce this vegetable from November until March at the time when, according to the Senator from Utah, the Mexican bean is coming in.

Mr. SIMMONS. And during that time, I have understood that beans frequently sell at a price below the cost of production.

Mr. SMITH. That is the point I am trying to make. The Senator from Florida lives in the extreme southern part of our country, where it is possible to grow beans during the period indicated by the Senator from Utah, and he can testify as to conditions there. The Senator from Utah says that during the particular season referred to the price of beans is so high that they do not need protection. We will have to depend upon what the Senator from Florida says; and the Senator from Florida says that during that very time the producers are not making anything like an extraordinary profit.

Mr. SIMMONS. Mr. President, I want to add to that, that I live in a section where we raise winter crops; we raise the kind of beans about which we are talking; and while for a few days or for a week or two weeks we may get what we call a fancy price, a very good price, then very frequently the price goes down to a point so low that it will not pay the freight——

Mr. SMITH. That is right.

Mr. SIMMONS. That it will not pay the freight from the city in which I live to the city of New York or Philadelphia. To say that the price is so high during the marketing season of this winter crop that they can not afford to put the beans in brine and preserve them and can them is ridiculous, because I know that very frequently we lose from a third to a half of our bean crop because it will not pay to gather them. They are an early spring crop.

Mr. SMOOT. Those beans come on the market about the 20th of May.

Mr. SIMMONS. I think they come on the market earlier than that.

Mr. SMOOT. The 20th of May is the earliest date.

Mr. SIMMONS. But they are beans, and the Senator has said that they brought a fancy price because they are early grown, due to the very mild climate of that section of the country.

Mr. SMITH. Mr. President, practically from Wilmington, N. C., down to the Florida line the prices have been so unsatisfactory that the farmers have almost abandoned growing this crop except in a little area around Charleston, and perhaps a little area around Wilmington. If the prices were so fancy during the period indicated by the Senator that whole section of the country would be engaged in producing an early crop of beans.

Mr. SMOOT. They can not do it.

Mr. SMITH. There is no "can not" about it; we do do it.

Mr. SMOOT. In a hothouse?

Mr. SMITH. No; we have hothouses; but what we get is a cold reception; the house is hot enough all right, but the market is a cold place.

Mr. President, I just wish to say that if the rates in the agricultural schedule are supposed to protect adequately the producers of agricultural products, including horticultural products, by cutting this rate down to one-half of 1 cent, we are doing a thing that will practically destroy the production of beans in all of that section, because our neighbors in Cuba, Central and South America, and Mexico, with the improved cold-storage facilities on board the rapidly moving vessels, can supply this market, and under any such protection as is proposed we had just as well quit.

Mr. SMOOT. The Senator knows more about his State than I do, but I say now that there is not a single pound of beans harvested in South Carolina or North Carolina between the 7th day of November and the 13th day of February.

Mr. SIMMONS. What has that got to do with it?

Mr. SMOOT. This provision is intended to cover beans produced during that period.

Mr. SIMMONS. It does not say so. It says "beans"; it does not specify the time when they are raised or harvested or put on the market.

Mr. SMOOT. No imported beans come here except between the dates I have named, and the American product then has the whole American market. Not a string bean comes from any place on earth except between those dates, and between those dates there is not a string bean raised in the United States, outside of a few in lower California and those produced in the State of Florida. I will ask the Senator from Florida if that is not true?

Mr. SMITH. What has that to do with the wording of the paragraph?

Mr. SMOOT. The Senator was not here when the discussion took place.

Mr. FLETCHER. Mr. President, I said distinctly what I have said before—that putting this provision in the bill destroys absolutely all possible benefits of a tariff to Florida, because the time when these other beans begin to come in from Mexico is the very time when Florida produces them.

Mr. SMOOT. But, Mr. President, Florida can not produce enough to supply the demand here now.

Mr. FLETCHER. I think the Senator is entirely wrong. Florida can produce an unlimited amount.

Mr. SMOOT. Every pound of beans grown in Florida from November 7 to December 3 is hunted for from one end of the United States to the other. There is not a bean grown anywhere during that time with the exception of just a little section of California and the State of Florida. They are a luxury; and I will ask the Senator if they are not a luxury at that time.

Mr. FLETCHER. If the Senator wishes me to reply to that, I will state that I think they are a very healthy and wholesome article of food.

Mr. SMOOT. So do I.

Mr. FLETCHER. Everybody likes beans.

Mr. SMOOT. Certainly.

Mr. FLETCHER. And I should not call them a luxury. I should say they are a common article of food.

Mr. SMOOT. If the price has anything to do with it, they are a luxury.

Mr. FLETCHER. I wish the Senator could demonstrate that the people in Florida can make so much profit by growing these beans. We have been struggling down there. There is a million acres of land waiting and ready for people to go on and cultivate these beans; and if there were this great amount of money in them we certainly would be getting rich.

Mr. SIMMONS. Mr. President, does the Senator say that the bean we raise in North Carolina is a spring bean; that is, a bean that is marketable in April or early May?

Mr. SMOOT. May.

Mr. SIMMONS. Does the Senator mean to say that that bean can not be raised at the same period of the year in Mexico?

Mr. SMOOT. The only importations——

Mr. SIMMONS. I am not talking about the only importations. Can they not raise that bean and put it on the market at the same time that our bean is put on the market?

You do not say here in this section that this is for the purpose of protecting winter-grown beans. You say it is for the purpose of protecting all beans, grown at any season of the year and

anywhere in the United States. Now you are trying to confine the argument absolutely to a winter bean. If there is no importation from Mexico now, if you take off the duty, Mexico can raise them as well as South Carolina and North Carolina and Florida can raise them in the spring, and we may be confronted with Mexican competition. I do not know; I have not investigated the question to ascertain when Mexico sends her beans in here and when she markets her beans generally.

Mr. SMOOT. Mr. President, the Senator falls into error again, because he does not know the situation in Mexico.

Mr. SIMMONS. No; and I do not think the Senator from Utah knows it either, because I am satisfied that the climatic conditions in Mexico will permit of their raising beans in the spring as well as the climatic conditions in my country.

Mr. SMOOT. I say, Mr. President, that it is too hot to raise beans in Mexico during the time when the North Carolina bean is being raised.

Mr. SIMMONS. Why, we can raise beans right in the middle of the summer in North Carolina.

Mr. SMOOT. Of course you can.

Mr. SIMMONS. I am talking about the beans that we raise for early market, spring market; but we can raise them at all times of the year, and we can raise and do raise fall beans, too—spring and fall.

Mr. President, I think the Senator from Utah is not familiar with this bean question. He does not raise beans out in Utah. He does not know.

Mr. SMOOT. We raise better beans in Utah than North Carolina ever saw.

Mr. SIMMONS. I want to ask the Senator from Utah——

The VICE PRESIDENT. The Chair will have to hold pretty soon that debate on this matter is exhausted, because each Senator has spoken more than twice on this amendment.

Mr. SIMMONS. Mr. President, this is a very important matter that we are on now, and I want to ask one question before the discussion ends.

Why did the Senate committee treat the lowly cowpea with such disrespect in this paragraph? The House put the cowpea in. The cowpea is a sort of substitute for the bean as an article of food when it is green. It is a very delightful dish. I know that the designation of it as a cowpea would rather indicate that it is not for human food, but it is used for human food. Why did the Senator strike it out? I just want to know. It is a sectional crop. It is grown chiefly in the South. I do not know whether it is grown to any extent anywhere else than in the South. The House put it in. Why did the Senate committee strike it out? What was the cause?

Mr. SMOOT. If the Senator had been in the Chamber, he would not have asked a question like that. There was a decision here as to the cowpea and we have already put it back.

Mr. SIMMONS. You have put it back?

Mr. SMOOT. Yes.

Mr. SIMMONS. I am delighted to know that the Senator admits that he made a mistake.

Mr. ASHURST. Mr. President, I raise the point of order that each Senator has spoken twice on this subject.

Mr. SMITH. Mr. President, before the vote is taken, I desire to correct an error. The Senator from Utah says the cowpea was put back. It was not. It was the black-eyed cowpea that was put back, and the general order is not the black-eyed cowpea. That is a fancy one.

Mr. TRAMMELL. Mr. President, I have not spoken twice, and I am not going to. I hope we can get a vote. I think the Senate is going to do justice by Florida.

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

The amendment was rejected.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 142, line 10, after the word "Mushrooms," to strike out "fresh, or dried or otherwise prepared or preserved," and insert "fresh or dried, 10 cents per pound and 60 per cent ad valorem; otherwise prepared or preserved, 10 cents per pound on drained weight and," so as to read:

PAR. 766. Mushrooms, fresh or dried, 10 cents per pound and 60 per cent ad valorem; otherwise prepared or preserved, 10 cents per pound on drained weight and 60 per cent ad valorem.

Mr. HARRISON. Mr. President, this rate seems to me to be too much. I desire to ask the Senator from Pennsylvania [Mr. REED], as well as the Senator from Utah [Mr. SMOOT], if they will not permit a substitute to be adopted of, say, 45 per cent ad valorem, which is the present rate, and 10 cents a pound, on these mushrooms?

Mr. REED. Mr. President, if the Senator will yield——

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

Mr. HARRISON. I do.

Mr. REED. This is a commodity of which the imports have increased very greatly. They come mostly from France; and the figures stated in the Tariff Summary for 1928 are not correct. The imports are greater than the printed summary would indicate, the correct figure being 7,229,000 pounds, valued at $1,428,000.

I have been hopeful that a tariff equal to the difference in cost of production could be put on, but I realize that the increase looks very great; and I believe that to avoid a long debate on it, with uncertain results, I would be wise to accept the Senator's suggestion.

Mr. HARRISON. That is a small increase. The present rate is 45 per cent ad valorem. We have no exportations in this matter. There are importations to the extent of around 7,000,000 pounds annually. So I move to substitute for the Senate amendment, without the classification, just 45 per cent ad valorem and 10 cents a pound.

Mr. REED. That is, the Senator proposes in line 12 to change the "60" to "45," and the same in line 13?

Mr. HARRISON. That would get at it in the same way.

Mr. REED. If the Senator makes that motion, I think I shall be inclined to accept it.

Mr. BARKLEY. Mr. President, I desire to ask the Senator from Pennsylvania a question. I understand that we produce no dried mushrooms in the United States; that practically all of our production is sold as fresh mushrooms, and that there are some canned, but there are none that are dried.

Mr. REED. I believe that is correct. The dried mushrooms are produced in very small quantities, if at all.

Mr. BARKLEY. So that the supply of dried mushrooms is altogether from importations.

Mr. REED. But the Senator must understand that they compete with the mushrooms that are produced all over the United States.

Mr. BARKLEY. To what extent are they used as substitutes for fresh mushrooms?

Mr. REED. Oh, altogether as substitutes for fresh mushrooms and as substitutes for canned mushrooms, in which the mushroom is preserved in brine. The dried mushrooms come in direct competition with them, and are used for the same purpose.

Mr. BARKLEY. What is the advantage in going to the expense of drying the mushroom, instead of using it fresh?

Mr. REED. Because a fresh mushroom will not stand shipment very far. The canneries in Pennsylvania get some mushrooms from as far away as South Dakota, but most of the shipments have to come from around Chicago. The production of mushrooms in the Northwest is taken care of by canneries around St. Paul, I understand. Mushrooms will not stand shipment for a great distance unless they are either put in brine or dried. They have to be processed in order to travel, and it is cheaper to dry them than it is to preserve them in brine. That is why they use that method.

Mr. WALSH of Massachusetts. Mr. President, I should like to have somebody give us some information for the RECORD as to what these rates mean in ad valorem terms: First, the present law; second, the House proposal; third, the Senate proposal; and, fourth, the modification proposed by the Senator from Mississippi.

Mr. REED. Mr. President, the invoice value last year of imported canned mushrooms was slightly under 20 cents—about 19¾ cents per pound of drained mushrooms.

Mr. WALSH of Massachusetts. What was the duty upon that?

Mr. REED. The duty on that was 45 per cent.

Mr. WALSH of Massachusetts. About 8 or 9 cents?

Mr. REED. No; it came to about 29 cents.

Mr. WALSH of Massachusetts. The duty was 8 or 9 cents, which, added to the cost of the can, make it 29 cents?

Mr. REED. No, no. The duty was about 9 cents on a 20-cent can.

Mr. WALSH of Massachusetts. Yes; I understand.

Mr. REED. The cost of production here is something like 12 to 15 cents more than the landed cost of the French mushroom.

Mr. WALSH of Massachusetts. I do not dispute that. That is not the information I wanted. I want to know what this duty represents in ad valorem terms.

Mr. REED. If based on last year's import price, it would run to about 90 per cent on the French import prices. There has been some dispute as to whether they were undervalued. I understand that the principal importer is an American who has established factories in France where the mushrooms are proc-

essed, and he imports on consignment to himself, so naturally he would be very much the gainer if he invoiced them at a low price abroad.

Mr. WALSH of Massachusetts. So the present duty of 45 per cent will be increased, in case this modified proposal is accepted, to 60 per cent ad valorem, plus 10 cents per pound?

Mr. REED. Yes; but the Senator from Mississippi now proposes to cut the ad valorem down to the level of the 1922 law.

Mr. WALSH of Massachusetts. But of course the 10 cents per pound is the important part.

Mr. REED. That is the important part, and I hope very much the industry can get that.

It has been generally reputed that this industry is exclusively Pennsylvanian. It used to be. It started in Pennsylvania. Ten years ago practically all mushrooms were imported; but there are canneries now all through the country as far west as California, and they get their mushroms from farmers in practically every State in which there is weather cool enough to raise them.

Mr. BROOKHART. Mr. President, I have a word to say about this mushroom proposition. I would like to ask the Senator from Pennsylvania this question: Does the Senator know what firms are handling mushrooms?

Mr. REED. I have not a list of the firms. They are mostly in that part of southeastern Pennsylvania that centers around a town called Kennett Square.

Mr. BROOKHART. There are four big firms that have a monopoly of the mushroom business.

Mr. REED. Oh, no, Mr. President. I can give the Senator a statement as to that. Mr. Maule, who represented the Cooperative Association of Mushroom Growers, said:

> The mushroom industry in the United States starts on the Pacific coast. There are a few growers in California. We have one member in California—one organization. There are some in Colorado. There is a cannery in Colorado in addition to the growing in Colorado; some in Illinois; about 20 growers in the St. Paul region; some in Indiana; several in Ohio, Pennsylvania, Maryland, Delaware, Massachusetts, and New York; and a few in Kentucky and other States.

It would be quite wrong to say that it was controlled by four concerns.

Mr. BROOKHART. There are just a few of them in the whole of the United States, when you get them all added up.

Mr. REED. I do not know how many there are, but they are pretty widely scattered.

Mr. BROOKHART. This duty, even as proposed by the Senator from Mississippi, is equivalent to 90 per cent ad valorem.

Mr. REED. That is correct, and it is necessary because of the very low cost in France.

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

Mr. BROOKHART. I yield.

Mr. TYDINGS. I would like to say to the Senator from Iowa that there are a number of mushroom growers in southern Pennsylvania, individual farmers, some of whom I know personally, who are not in any combine at all. They raise mushrooms just the same as they raise corn or tomatoes or anything else.

Mr. BROOKHART. Yes, Mr. President. I asked a duty of about 35 per cent on oats, and in my State there are 213,000 farmers who raise oats, and the Senator from Mississippi, who now advocates a 90 per cent duty on mushrooms, denied me even a 35 per cent duty on oats.

Mr. BARKLEY. Mr. President, I desire to ask the Senator from Pennsylvania a question. He stated a while ago that 10 years ago all of the mushrooms consumed in the United States were imported. During the 10-year period referred to the American grower of mushrooms has been able to raise his production from nothing up to 30,000,000 pounds per year, against a little more than 5,000,000 pounds coming in as canned and about a half a million dried, I believe, or in that neighborhood. I can not quite understand how the Senator can contend that this duty of nearly 90 per cent is necessary to keep the mushroom industry from dying, when in 10 years it has been able to produce 30,000,000 pounds a year as against the five or six million pounds imported.

Mr. REED. Mr. President, I am afraid the Senator is comparing the wrong figures. The total domestic production is 30,000,000 pounds of fresh mushrooms. I never meant that the fresh mushrooms were not produced here. Our farmers do produce 30,000,000 pounds of fresh mushrooms. But the amount of canned mushrooms is very much less than that. The canned mushrooms have been coming in from France in greatly increasing quantities, and they compete not only with our canned mushrooms, an industry we are trying to protect, but they compete with the growers of fresh mushrooms, whom we also want to protect.

Mr. BARKLEY. Mr. President, is it not true that about 95 per cent of the mushrooms produced in this country are sold fresh, and only those mushrooms are canned which can not be marketed fresh to advantage?

Mr. REED. No; Mr. President, I think that is incorrect.

Mr. BARKLEY. That is the information the Tariff Commission gives, I think.

Mr. REED. I do not see that in my summary from the Tariff Commission. As a matter of fact, I am told by those in the industry that that statement is not correct. The fresh mushroom comes in, as I have said, to the extent of about seven million and a quarter pounds, drained weight, each year. The domestic consumption, as I understand it, is about 17,000,000 pounds. That is to say, about one-third of our domestic demand is being supplied from France and not from the American-grown mushroom.

Mr. SMOOT. Mr. President, I will say to the Senator from Kentucky that the statement just made by the Senator from Pennsylvania is correct. The commission brought the matter to the attention of the committee, and stated that there had been a mistake made in the figures just quoted by the Senator from Kentucky, and the correct facts are as submitted by the Senator from Pennsylvania.

Mr. BARKLEY. I accept the correction, but even that would bring it up to only 7,000,000, instead of 10,000,000.

Mr. FRAZIER. Mr. President, a few moments ago I asked for a tariff on flax of about 35 per cent ad valorem. We produce only about half the flax that is used in the United States. The Senator from Mississippi objected to that rate, and now asks 90 per cent on mushrooms, which are just a hit-and-miss proposition with a few farmers throughout the country.

Mr. HARRISON. Mr. President, the Committee on Finance has recommended 10 cents a pound and 60 per cent ad valorem. I offered an amendment to reduce the ad valorem to 45 per cent. I think it would stand a greater cut than that. That is my idea.

If I had offered amendments on a lot of these items which I thought ought to be offered, we would now have been on about the second paragraph, and probably debating that one. I stood with the Senator from Iowa and the Senator from North Dakota on propositions which I can not defend, and no one can defend, but I did it because I want to help agriculture if there is any way in the world to do it.

Some gentlemen have a different idea as to what will help agriculture. I am resolving the doubt in favor of some of these rates. I even went with the Senator from North Dakota to 65 cents on flaxseed. The Representative in the House from the Senator's State contended for only 63 cents, and I suppose they were very glad when they got that. The Tariff Commission held that 56 cents was the proper rate. I went as far as 65 cents on that article. I told the Senator some days ago that I would go that far. This side of the Chamber went with him that far. His colleagues on the other side seemed to be satisfied with that, and I regretted that he offered an amendment carrying 70 cents on that item.

We are getting along very well. Let us not accuse anybody of inconsistency. If the Senator can find fault, and wants to, I can offer amendments carrying out a program—though I may not get anywhere—that will truly reflect the difference between the cost of production abroad and at home, and a lot of these propositions will go down.

The Senator from Iowa talks about oats. I cited the exportations of oats and the small importations of them. The only reason in the world that would justify a rate on oats as high as has been proposed, or as was adopted, was that we have included the debenture plan in the bill, which might give back to the farmer half of the tariff rate on his exportations. It is on that theory that we are working.

Let us not have any recriminations. We are trying to help the Senator from North Dakota and the Senator from Iowa. I have not asked for a single increase on any product so far as my State is concerned. So try to be at least generous in your hearts, and reflect that we are trying to help you as much as we can.

I would like to see a rate of 45 per cent on mushrooms adopted, but I know that if I offered an amendment to that effect we might be debating the question for two days. I want to see the bill expedited, and if we can agree on reducing it from the recommendation of the Senate committee 15 per cent and let it go to conference I think we will be getting along pretty well.

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

Mr. HARRISON. I yield.

Mr. FRAZIER. It is mighty nice to hear some friends of the farmers talk about what they would like to do and what they can do and what amendments they can offer, and so on.

Of course, anyone can offer amendments. But when an amendment is offered relating to a farm product that is 100 per cent effective, and it is voted down by the so-called friends of agriculture, it does not stick very well with me.

When it comes to offering to make the duty on mushrooms 90 per cent—and I might say that a great deal of the time we can not tell whether they are mushrooms or toadstools, and poisonous to people, pretty nearly as bad as the moonshine liquor that grows in some of these communities—it seems to me a rather far-fetched proposition.

Mr. HARRISON. Mr. President, why does not the Senator offer to make it 10 cents ad valorem? He can do it. Nobody is restraining him. He can ask for a roll call.

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

Mr. HARRISON. I yield.

Mr. BROOKHART. If the Senator will permit, I move as an amendment to the amendment of the Senator from Mississippi to cut out the 10 cents per pound and make the ad valorem 45 per cent.

The VICE PRESIDENT. That amendment would not be in order at this time.

Mr. BARKLEY. Mr. President, I rise to a question of order. The Senate amendment carries 10 cents a pound. It is in order to strike that out in the Senate committee amendment. I suppose that is the amendment the Senator from Iowa offers.

The VICE PRESIDENT. The Chair understood it to be a motion to amend the amendment proposed by the Senator from Mississippi.

Mr. HARRISON. Mr. President, I withdraw my amendment. If we can not help along and expedite the bill, I will let the Senator from Iowa offer his amendment.

Mr. BROOKHART. Mr. President, let me ask the parliamentary situation. If we reject the committee amendment, what would that leave the rate?

The VICE PRESIDENT. Sixty per cent ad valorem on mushrooms.

Mr. BROOKHART. I move as a substitute that the rate be made 45 per cent, the same as in the old law.

Mr. SMOOT. If that is what the Senator has in mind, then he ought to move to disagree to the committee amendment, with an amendment, striking out "60" and inserting "45." Then the one vote would be sufficient.

Mr. BROOKHART. Whatever is the proper form, I adopt.

Mr. SMOOT. I certainly hope the amendment to the amendment will not be agreed to.

Mr. REED. Mr. President, I am very sorry the Senator from Mississippi withdrew his amendment. It seems to me that the rate proposed by the Senator from Mississippi was a fair rate; that it took into account the fact that the importations of this product are supplying more than one-third of the domestic demand; that if it was possible to shift to American farmers the growing of the mushrooms that are now coming from France, that are grown by French farmers, we would provide a million and a half dollars of a new market to American farmers scattered all over the United States, from the Atlantic to the Pacific.

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

Mr. REED. I yield.

Mr. BROOKHART. I want to call the Senator's attention to the fact that those French farmers are the ones who are buying our Iowa oats and fixing the price over there.

Mr. REED. Mr. President, the production of mushrooms can be carried on by any American farmer as a side line, and it is carried on by thousands of them as a side line. Suppose we should have a market for a million and a half dollars' worth of mushrooms. Suppose each of the farmers produced, we will say, $500 worth of mushrooms. Two thousand eight hundred or 3,000 American farmers would be given an outlet for a side line which they could carry on without a great capital expenditure, which would perhaps mean the difference between prosperity and failure for those 3,000 American farmers. It seems to me to be only an intelligent thing that we should do it.

The difference in the cost of production has been established. We know that it would take 60 per cent ad valorem and 20 cents specific to equalize the production cost between American and European farms.

It seems to me that the suggestion of the Senator from Mississippi is only what we owe to the farmers engaged in this industry, and it is for all of them that I am pleading.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa to the amendment of the committee.

Mr. SMOOT. Mr. President, I notice that the 60 per cent proposed to be stricken out is in the House provision, and, therefore, it is not open to amendment now. The only thing we could do would be to disagree to the Senate committee amendment and then when we get into the Senate, if the Senator from Iowa wants to move to strike out 60 and insert 45, it would be in order under the rule. I invite the attention of the Senator from Iowa to the fact that if he wants to make the rate 45 per cent the way to do it would be to disagree to the committee amendment with an amendment; but we can not do that because the 60 per cent in line 14 is a part of the House provision and is not a part of the Senate committee amendment.

Therefore, the only thing we can do in order to accomplish what the Senator desires is to disagree to the committee amendment. Then, when the bill reaches the Senate the Senator could offer an amendment striking out 60 per cent and inserting 45 per cent.

Mr. BARKLEY. Mr. President, I think the rate carried in the Senate committee amendment amounts to 110 per cent, based on the price of 20 cents a pound. As indicated a while ago by the Senator from Pennsylvania, 10 cents a pound is equal to 50 per cent ad valorem, and 60 per cent, which the House fixes, would make 110 per cent. So far as I am concerned I want to say frankly that I do not know any difference between a farmer in Pennsylvania and a farmer in Nebraska or any other State, if he produces something that needs protection in order to enable him to produce the commodity with profit.

Of course we ordinarily refer to mushrooms as more or less of a luxury. I do not claim to be an expert on mushrooms. I do not even like them unless they are doctored up so that I do not know what they are, so I am not interested personally in mushrooms.

There are none of them produced in my State and even if they were it would, I hope, make no difference. But if there is justice in some form of an increase in the tariff on mushrooms I do not see why we should deny that increase merely because farmers in Pennsylvania produce them instead of the farmers of some other State. I am not willing to cast a vote based on any sectional line of that sort. I do think that 110 per cent is too much. I would be perfectly willing to vote for 60 per cent, which is 15 per cent more than they are now getting, and eliminate the 10 cents per pound. Is that what we are to vote upon?

Mr. SMOOT. It is on the amendment offered by the Senator from Iowa. That is the only amendment he could offer. If the present amendment offered by the Senator from Iowa prevails, then, of course, the House provision will be reinstated in the bill.

The VICE PRESIDENT. The question is upon agreeing or disagreeing to the Senate committee amendment. Disagreeing to the Senate committee amendment would leave the House provision of 60 per cent in the bill.

Mr. HASTINGS. Mr. President, I want to state that I have followed the agricultural schedule through with the greatest care and, so far as I have been able to observe, this is the first item in it that would be of any material assistance to the farmers in and about Delaware and Pennsylvania. I have gone along here with Senators from the Northwest in the hope that these schedules would greatly assist them.

I do think, as the Senator from Kentucky has well stated, that when it comes to a situation where they can be of some assistance to the farmers of the East, they ought not to deny it. I think the Senate committee amendment ought to be agreed to, and nobody ought to insist upon reducing the rate below 60 per cent. It is absolutely necessary in order that the mushroom growers may prosper at all.

Mr. REED. Mr. President, now that the question is on the adoption of the Senate committee amendment, I take it that the amendment proposed by the Senator from Mississippi [Mr. HARRISON] is in order. As I have already stated, I have agreed to accept the rate proposed by him although it is lower than is needed to equalize the cost of production. I hope the Senator therefore will renew his amendment to amend the committee amendment and then we can vote on it in that form.

Mr. HARRISON. Mr. President, I will make that motion.

The VICE PRESIDENT. The Senator from Mississippi proposes an amendment, which the clerk will report.

The CHIEF CLERK. On page 142, line 12, strike out "60" and insert "45" and in line 13 strike out "60" and insert "45."

Mr. SMOOT. That latter change applies to the House text.

The VICE PRESIDENT. It can only be done by unanimous consent.

Mr. HARRISON. I ask unanimous consent that the substitute for the committee amendment may be offered?

The VICE PRESIDENT. Is there objection?

Mr. FRAZIER (in his seat). I object.

Mr. REED. Mr. President, I hope the Senator from Mississippi will persist in his amendment in line 12.

Mr. PHIPPS. Mr. President, the fact that a committee amendment is offered to the first part of the paragraph necessarily changes the rate proposed by the House. Therefore it would seem to me that an amendment of the 60 per cent proposed in lines 13 and 14 by the House is in order without unanimous consent.

The VICE PRESIDENT. The Chair holds that it is not in order.

Mr. REED. Mr. President, I hope the Senator from Mississippi will persist in his amendment in line 12.

Mr. HARRISON. I did not understand there was any objection to my request.

The VICE PRESIDENT. There was not.

Mr. COUZENS. Yes, Mr. President, the Senator from North Dakota [Mr. FRAZIER] objected.

The VICE PRESIDENT. The Chair did not hear it. The Chair will state that hereafter Senators desiring to object and Senators desiring to make any motion must rise to their feet and be recognized. Senators must not remain in their seats when interposing an objection. The Chair will put the question again. Is there objection?

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota.

Mr. FRAZIER. I object.

The VICE PRESIDENT. Objection is made.

Mr. REED. Mr. President, I hope the Senator from Mississippi will persist in his amendment in line 12.

The VICE PRESIDENT. That amendment is in order and is now pending because it was offered previously. The question is on agreeing to the amendment of the Senator from Mississippi to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. REED. With the permission of the Senate, I agree now with the Senator from Mississippi that I will support the same amendment in line 13 at the proper time, reducing the rate from 60 to 45 per cent.

The VICE PRESIDENT. The question is upon agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. ROBINSON of Indiana. Mr. President, I send to the desk an amendment which I propose to offer when we reach the free list, admitting all fertilizer and fertilizer substitutes to the United States free of duty. I ask that it may be printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. WALSH of Massachusetts. Mr. President, at the earnest request of certain Senators upon this side of the Chamber who are tired and weary and almost sick, I ask unanimous consent that when the Senate takes a recess at half past 5 this afternoon it be until 10 o'clock to-morrow morning. I would not make the request except that when Senators like the senior Senator from Florida [Mr. FLETCHER], the senior Senator from North Carolina [Mr. SIMMONS], the junior Senator from North Carolina [Mr. OVERMAN], and several others are all worn out and weary and tired, I feel it my duty to make the request and let those who object take the responsibility.

The VICE PRESIDENT. Is there objection?

Mr. LA FOLLETTE. I object.

The VICE PRESIDENT. Objection is made. The clerk will report the next amendment.

Mr. SMOOT. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it recess until 10 o'clock to-morrow morning.

The VICE PRESIDENT. Is there objection? The Chair hears none and it is so ordered. The clerk will report the next amendment.

The CHIEF CLERK. The next amendment is, on page 142, line 14, after the words "ad valorem," to strike out the semicolon and the words "truffles, fresh, or dried or otherwise prepared or preserved, 30 per cent ad valorem."

Mr. BARKLEY. Mr. President, this is an article of food somewhat similar to mushrooms. The present tariff is 25 per cent, the House rate is 30 per cent, and the Committee on Finance is proposing to strike it out. That would leave the rate as it is now at 25 per cent.

Mr. REED. No; it is on the free list.

Mr. SMOOT. There is none produced in the United States.

Mr. BARKLEY. I understand.

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

The amendment was agreed to.

The next amendment was, on page 142, line 16, after the word "Peas," to strike out "and chickpeas or garbanzos," so as to make the paragraph read:

PAR. 767. Peas: Green or unripe, 2 cents per pound; dried, 1¾ cents per pound; split, 2½ cents per pound; prepared or preserved in any manner, 2 cents per pound on the entire contents of the container.

Mr. REED. Mr. President, what are garbanzos?

Mr. ASHURST. Mr. President, I was about to ask that if the action proposed by the committee be taken, then on page 268 garbanzos should go on the free list. May I say to the Senator from Pennsylvania that it is a very large pea. It is quite edible; but none is grown in the United States at all.

Mr. SMOOT. It is on the free list now.

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

The amendment was agreed to.

The next amendment was, on page 142, line 20, before the words "per pound," to strike out "2 cents" and insert "2½ cents," so as to make the paragraph read:

PAR. 768. Onions, 2½ cents per pound; garlic, 1½ cents per pound.

The amendment was agreed to.

The next amendment was, on page 143, line 2, before the words "per pound," to strike out "3 cents" and insert "2½ cents," and in line 3, before the words "ad valorem," to strike out "40 per cent" and insert "50 per cent," so as to make the paragraph read:

PAR. 770. Tomatoes in their natural state, 2½ cents per pound; prepared or preserved in any manner, 50 per cent ad valorem.

Mr. GOLDSBOROUGH. Mr. President, in paragraph 770 the rate on tomatoes in their natural state was reduced from 3 cents per pound, as adopted by the House, to 2½ cents per pound, while that on prepared or preserved tomatoes was increased from 40 per cent to 50 per cent ad valorem. These changes were made in accordance with the evidence before the Finance Committee concerning the needs of the producers.

One of the most widely canned vegetables is the tomato, and the canning process is relatively simple. After the skins and cores are removed the peeled tomatoes are placed in cans and the product is sterilized. It is canned in this natural condition, no water being added, as the tomato is preserved in its own juice. This canned product is probably the most widely used in households and restaurants of any known vegetable.

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

Mr. GOLDSBOROUGH. Certainly.

Mr. SMOOT. The amendment is on tomatoes in the natural state.

Mr. GOLDSBOROUGH. Yes; I am coming to that in a moment.

Mr. SMOOT. I thought the Senator was speaking on the next amendment.

Mr. GOLDSBOROUGH. No; I am speaking on the amendment in paragraph 770.

Mr. SMOOT. Both in the natural state and preserved?

Mr. GOLDSBOROUGH. No; not the first part of it, but on the preserved tomatoes.

Mr. SMOOT. That is the pending amendment.

Mr. GOLDSBOROUGH. Yes. I am only speaking of the second part of it.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ASHURST. Is the able Senator from Maryland directing his remarks to the first amendment that occurs in line 2, on page 143, or to the second amendment which occurs in line 3?

Mr. GOLDSBOROUGH. I am directing my remarks to the amendment in line 3.

Mr. ASHURST. I inquire what happened to the amendment in line 2? I want to propose an amendment to come in on line 2 before we pass that over.

The VICE PRESIDENT. That amendment is pending. The Senator from Maryland has the floor.

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

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

Mr. GOLDSBOROUGH. I yield.

Mr. HARRISON. I desire to submit a parliamentary inquiry. I did not understand exactly the request which the Senator from Utah made a few moments ago. When he asked unanimous consent that when we recess, did he mean when we recess to-night?

Mr. SMOOT. My request was that at the conclusion of the business of the Senate to-day we recess until 10 o'clock to-morrow morning.

Mr. HARRISON. Of course, the Senator intended to mean that that recess should be taken at 10.30 to-night?

Mr. SMOOT. Yes; at 10.30 to-night.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Did the Chair so understand the request of the Senator from Utah?

The VICE PRESIDENT. The Chair understood that the Senator from Utah asked unanimous consent that when the Senate concludes its business to-day it recess until 10 o'clock to-morrow morning.

Mr. HARRISON. And that that meant that we should take a recess at 10.30 to-night under the order of the Senate?

The VICE PRESIDENT. Under the order of the Senate, but that may be changed by motion.

Mr. SMOOT. And only by action of the Senate.

Mr. HEFLIN. We are to have a night session, then, Mr. President?

The VICE PRESIDENT. The Chair so understands.

Mr. GOLDSBOROUGH. Mr. President, the United States leads in the production of canned tomatoes. Italy is next in importance. Most of the States in the United States can tomatoes, but Maryland, New Jersey, Delaware, Indiana, Virginia and California lead in the production of standard canned tomatoes.

The approximate 98 per cent of the imports of canned tomatoes are from Italy, and most of them are produced near Naples. Imports come in cases of two sizes—24 cans of about 2 pounds 4 ounces each, and 48 cans containing about 1 pound 2 ounces each. Canned tomato imports have nearly tripled in quantity between 1923, the first full year under the tariff act of 1922, and 1927. Statistics compiled by the United States Department of Commerce show the imports of canned tomatoes for consumption to be as follows:

	Pounds	Value
1923	33,797,311	$1,945,143
1924	53,816,661	2,585,364
1925	86,237,642	4,054,840
1926	84,749,219	4,204,900
1927	93,771,966	5,200,006
1928	92,732,091	5,198,472

The increase in imports of canned tomatoes and tomato products has disorganized the American industry and involved it in serious financial difficulties.

Recent investigations show that out of practically 500 canneries in the States of Maryland, New Jersey, and Delaware, 181 of them did not operate last year. In addition to those 181 idle plants we had many other general-line plants, which packed other vegetables as well as tomatoes, that did not operate on tomatoes. So 181 out of 500 does not give the full picture at all. This condition has been brought about by competion with the imported tomatoes. The total average production of those 181 plants would have been 1,810,000 cases of tomatoes. The cost involved in that production would have been $4,900,000. The tomato growers of those three States, on the basis of the prices paid the year before for tomatoes, would have received $1,500,000. The labor in the plants represented $933,960, while the labor on the farms would have represented $631,240. That money represents the cost of producing 1,810,000 cases of tomatoes that would have been produced in those three States if those plants had not been idle.

I am told that the same situation exists in other tomato-canning sections of this country. In California for several years canners have operated at a loss on tomatoes. Except for the fact that they pack also fruits and other products, many plants in California would now be out of operation.

The acreage devoted to growing tomatoes for canning purposes has shown a heavy decrease, corresponding with a heavy increase of Italian imports. In 1925 the acreage devoted to tomatoes for canning purposes in the United States was 349,930, with a decrease to 261,500 acreage in 1926, and to 246,030 in 1927.

Owing to serious losses experienced for several years by growers and canners of tomatoes, appeals were made to the Tariff Commission in 1926 by 10 organizations representing growers and canners for relief under section 315 of the present act. Pursuant to these appeals the commission conducted an exhaustive investigation into the situation, and on July 28, 1929, issued a report of 118 pages, covering costs and conditions. This report apparently fully conveys the essential facts with regard to production costs in this country. The commission did not, however, undertake to investigate the cost of production in Italy. For four days in September, 1928, the Tariff Commission heard evidence from tomato growers and canners and other importers.

Statements in the report of the commission were analyzed by witnesses for both sides, and all of the important figures and statements in the report, in so far as they relate to cost of production, selling price, and conditions in this country, were fully substantiated. In fact, they were not seriously questioned by the importers.

In the absence of production costs derived from a direct survey in Italy, similar to the one conducted by the Tariff Commission in the United States, it is impracticable, of course, to make precise comparisons of domestic and foreign costs. However, in the brief filed by the National Canners Association in the hearing conducted by the Tariff Commission comparisons were developed from the commission's report showing the rate of duty necessary to equalize the difference in cost of production in the United States and Italy, assuming a certain percentage of profit for the Italian canner. These comparisons were submitted to the Ways and Means Committee of the House as Exhibits A and B of the brief filed by the association, and will be found on pages 5159 to 5161, inclusive, of the hearings before the Ways and Means Committee on the agriculture schedule.

The comparisons are believed to be accurate so far as they go, but they do not reveal the whole situation, because they make no allowance for (1) the fact, as shown by the Tariff Commission's report, that tomatoes are being grown for canning at a loss, or at no profit to the grower; (2) the fact that domestic canners' selling prices have been below production costs, as computed by the Tariff Commission; (3) the fact that the profits of the Italian producers are believed to have been in excess of the estimates used in the comparisons.

The Tariff Commission's report proves that tomatoes are being grown for canning in this country at a loss to the growers, or at no profit to them. These figures will be found on pages 66 and 67 of the report of the commission on tomatoes.

Surely the grower is entitled to a profit, and must have a profit if he is to survive.

With regard to losses sustained by the canners the commission's report is equally decisive. This phase of the matter is fully imparted in the figures submitted on pages 54, 71, 76 of the report.

Owing to that fact that there is no specific data as to what the growers' profit should be, as well as no actual data on costs in Italy, the duty requested can not be based on a specific compilation of figures, but it is predicated upon knowledge that the grower and canner are operating at no profit, and the further knowledge that Italian tomatoes are coming into this country in increasing quantities. It might also be well to emphasize the fact that the sale of Italian tomatoes in this country, having reached such large proportions, is well established in many of our markets; and importers of this product are therefore in position to meet very heavy sales resistance.

The following tables show the imports of canned tomatoes into the United States during September and during the first nine months of 1929, compared with imports for the same periods of 1928. The tables have been compiled from figures released by the statistical division of the Department of Commerce:

Canned tomatoes

	September, 1928		September, 1929	
	Pounds	Dollars	Pounds	Dollars
Italy	3,817,355	202,185	24,597,389	1,208,773
Others	2,755	236	17,300	782
Total	3,820,110	202,421	24,614,689	1,209,555
Increase, 1929 over 1928 ..per cent			544	497

	First 9 months 1928		First 9 months 1929	
	Pounds	Dollars	Pounds	Dollars
Italy	43,134,765	2,479,294	76,514,122	4,310,175
Others	324,046	15,018	12,156,871	684,414
Total	43,458,811	2,494,312	88,670,993	4,994,589
Increase, 1929 over 1928 ..per cent			104	100

Fifty per cent ad valorem rate on canned tomatoes will barely enable the domestic canners to compete with the imported product. It is merely requested for the protection of an industry, the history of which shows that it is decadent in the United States,

in spite of the fact that we have wonderful areas for producing this crop, in spite of the fact that we have plants equipped and ready to operate, and in spite of the fact that we have the labor to operate them.

The figures I quoted a few moments ago, recently released by the statistical division of the Department of Commerce, show for the first nine months of 1929 an increase in quantity of imported tomatoes of 104 per cent, with an increase in value of 100 per cent. If the same average is maintained for the remaining three months of 1929, there will be imported into the United States more than 100,000,000 pounds of canned tomatoes with an approximate total value of $5,000,000.

Now, we are faced with this proposition: The tomato-canning industry is made up of an average of small units. The average production of the tomato canneries of the United States is only 10,000 cases of No. 3's, and the cost of producing them is $1.37 a dozen, 2 dozen to a case, and it is very easy to figure that you have to get $2.70 a case for producing 10,000 cases, and $27,000 represents just about the average turnover of the 2,200 tomato canneries in the United States. They are small. They are like the farmer; they are small individual units. Their market has been taken away from them, and it is easy to see what they are up against. The Italian importer has his markets here for almost 3,000,000 cases a year, in our eastern territory. That market is going to be difficult to get back by the small tomato canner. He is up against a real proposition, and when I make this plea for the tomato canners of the country, please keep in mind that they are small; that they have small capital. They are the closest neighbor in the world to the farmer. They are just one step beyond the farmer. Instead of trying to sell the tomato in the raw state in the market somewhere, the canner converts it into canned tomatoes, and attempts to sell it in his small way, and he can not meet this foreign importation. It is almost a question as to whether this 50 per cent ad valorem rate will enable him to get back. It will take a long period of time and hard work on his part before he will be able to recover the lost market.

The VICE PRESIDENT. The hour of 5 o'clock and 30 minutes having arrived, under the order previously entered, the Senate stands in recess until 7.30 o'clock this evening.

EVENING SESSION

The Senate reassembled at 7 o'clock and 30 minutes p. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the tariff revision bill.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. ASHURST. Mr. President.

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. When the Senate recessed we were considering the item of tomatoes, on page 143, paragraph 770. At this time I offer an amendment to the committee amendment, as I wish to amend it; and I ask that the amendment may be read.

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

The LEGISLATIVE CLERK. On page 143, line 2, after the word "pound" and before the semicolon, insert a comma and the following words: "except during the months of December, January, February, and March, when the duty shall be one-half of 1 cent per pound."

The VICE PRESIDENT. The Chair will have to state that under the unanimous-consent agreement that amendment would not be in order at this time.

Mr. ASHURST. I wish to amend the committee amendment, Mr. President. I am not satisfied with the rate reported by the committee.

The VICE PRESIDENT. The Chair will have to hold that that is an individual amendment.

Mr. ASHURST. Possibly I would better explain what I propose.

In line 1 it will be observed that the rate fixed by the House bill was 3 cents per pound on tomatoes imported into the United States. The Senate committee changed that rate to 2½ cents per pound. I propose, by my amendment to the amendment, to establish, if possible, a seasonal tariff on tomatoes. That is to say, after the word "pound," in line 2, and before the semicolon, I propose to insert the following words:

Except during the months of December, January, February, and March, when the duty shall be one-half of 1 cent per pound.

Leaving the rate for eight months at the figure proposed by the Senate committee.

I shall speak only about 15 minutes.

The VICE PRESIDENT. The Chair might ask if there is objection——

Mr. ASHURST. No; I stand on my rights. I am seeking to amend the committee amendment. I do not ask unanimous consent, because I am seeking to change the rate in the committee amendment; and I could not permit the Chair, innocent and friendly as the Chair might be in doing so, to sweep away my right to amend the committee amendment. It is vital that I stand on that right.

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. I thank the Chair.

So, Mr. President, my amendment, if adopted, would fix the rate at 2½ cents per pound on tomatoes in their natural state during eight months of the year, but would fix the rate at one-half cent per pound during the months of December, January, February, and March, which is the present rate.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Utah?

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

Mr. SMOOT. Does the Senator desire this amendment just as it reads? I just picked it up.

Mr. ASHURST. Let me send a copy of it to the Senator.

Mr. SMOOT. I have a copy. Let me see if this is the way it is proposed:

On page 143, line 2, after the word "pound" and before the semicolon, insert a comma and the following words:

Except during the months of December, January, February, and March, when the duty shall be one-half of 1 cent per pound.

Mr. ASHURST. That is the proposal.

Mr. SMOOT. Under the unanimous-consent agreement I do not see how that amendment could be submitted at this time, Mr. President. The only way it could be done is by rejecting the committee amendment on line 1——

Mr. ASHURST. No; I am not seeking to reject the amendment in line 1.

Mr. SMOOT Yes; I understand the amendment. In fact, originally the Finance Committee had a seasonal rate upon this very thing; but what I was getting at was this: Under the unanimous-consent agreement, this amendment could not be considered at this time except by unanimous consent.

Mr. HARRISON. Mr. President——

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

Mr. ASHURST. I will yield in a moment.

Mr. President, I hope no one would accuse me of trying to violate a unanimous-consent agreement. It is not of overwhelming importance that I should present this amendment at this time.

Mr. SMOOT. I hope the Senator will not think I am finding fault with him.

Mr. ASHURST. I am not impatient. It is not important to me to present this amendment at this particular time. In fact, I was detained from the Chamber all day yesterday owing to an attack of grippe, and I would be glad to be spared to-night; but I have a definite view with respect to the appropriateness, the propriety, and the parliamentary eligibility of my amendment at this time.

When a Senator proposes an amendment which changes the rates brought in by the committee, surely he has a right to amend the committee amendment; but if any Senator will arise and declare that it would be inconvenient to him to-night to vote on this matter or to listen to my short argument I will with gratification to the Senate, I am sure, and with greater gratification to myself, forego my argument at this time.

Mr. HARRISON and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I yield first to the Senator from Mississippi. Then I will yield to the Senator from Utah.

Mr. HARRISON. The Senator from Arizona has offered a substitute for the 2½-cent rate. Yes; he has offered a substitute. What the Senate committee amendment does is to make the rate 2½ cents for the year. The Senator from Arizona moves to substitute 2½ cents for the year except during the months of December, January, February, and March. It seems to me that that is in order. He is not opposing the 2½-cent rate during eight months of the year.

Mr. ASHURST. That is correct.

Mr. HARRISON. He is asking, so far as the 2½-cent rate is concerned during four months of the year, that it be one-half cent.

Mr. SMOOT. All I know is that I just picked up the amendment, and this is what it says:

On page 143, line 2, after the word "pound," and before the semicolon, insert a comma and the following words: "except during the months of December, January, February, and March, when the duty shall be one-half of 1 cent per pound."

I will ask unanimous consent——

Mr. ASHURST. No; I object to that! I stand on my rights as a Senator and as a man. If any Senator says it is inconvenient to him to consider this amendment now I shall gladly subside.

Mr. SMOOT. It is not inconvenient.

Mr. ASHURST. I shall not yield a parliamentary point where I am convinced that I have the right to offer an amendment to a committee amendment. That must be understood now.

Mr. SMOOT. I ask the Chair to rule on the question.

Mr. ASHURST. Mr. President, I desire to be heard on that.

The VICE PRESIDENT. If the Chair may make a suggestion, why not let the Senator discuss this amendment, as he has a right to do, and the question as to whether or not it is in order can be raised after the Senator concludes his remarks?

Mr. SMOOT. I have no objection to that.

Mr. ASHURST. Mr. President, I have offered every arrangement, every accommodation, and every modus vivendi that any man ought to ask. If any Senator here says that it is inconvenient to hear my argument at this time, I will withdraw; otherwise I stand on my rights. We have been yielding too much in the Senate Chamber. I have a right to offer an amendment to a committee amendment, and I stand on that right. I am not here to be heard by unanimous consent of the Senate. I am here to be heard in my own right; and I object to the suggestion that I be taken off the floor and be allowed to speak by the "consent" of the Senate.

Mr. SMOOT. Mr. President, the Senator is getting very much excited. I was going to ask unanimous consent that——

Mr. ASHURST. No; do not ask unanimous consent for me. I beg the Senator's pardon; but I do not have to ask unanimous consent from the Senator or from the Senate when I desire to offer an amendment to a committee amendment.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. The Senator from Arizona has the floor.

Mr. HARRISON. If the Senator from Utah has finished——

Mr. SMOOT. Oh, no; what is the use? I got up in the best of feeling. I do not like to see the Senator explode in this way. There is no reason for it.

Mr. ASHURST. Mr. President, the best of feeling, forsooth, by allowing the Senator from Arizona to speak by the Senator's sufferance?

Mr. SMOOT. Not at all.

Mr. ASHURST. Then let the Senator withdraw his request for unanimous consent. I do not speak to-night at the consent of any man.

The VICE PRESIDENT. The question has not been submitted for unanimous consent. The Senator from Arizona has the floor.

Mr. ASHURST. I thank the Chair.

Now about this "good feeling": Before I came to the Senate I learned to admire the Senator from Utah. I admire his industry and his single and whole-hearted devotion to his duty. There is no question of bad feeling about it. The fact that I stand on my rights here does not mean that the esteem I have for the Senator is lessened in any way; but the Senator has all through these years misunderstood me if he thinks I am going to speak with any Senator's leave or permission.

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

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. ASHURST. I yield to the Senator.

Mr. BRATTON. I think the Senator from Arizona is correct. Although his amendment is not couched in the language of being a substitute, it is, in fact, a substitute pro tanto. It supersedes the committee rate during a part of the year. Accordingly, it is a substitute in part for the committee amendment.

Mr. WALSH of Montana. Mr. President——

Mr. ASHURST. I yield to the Senator from Montana, if the Senator from New Mexico has finished his remarks.

Mr. BRATTON. I have, for the time being.

Mr. WALSH of Montana. Mr. President, I was about to say in substance what the Senator from New Mexico has said. I desire to state, however, to the Senator from Arizona that while I am in favor of his amendment, for reasons which I shall briefly state, it will be observed that although the effect is, as suggested by the Senator from New Mexico, really to operate as an amendment to the committee amendment, yet, as the amendment is framed, it does not appear to be so. It reads:

On page 143, line 2, after the word "pound" and before the semicolon, insert a comma and the following words:

It is true that the effect of that will be, as stated by the Senator from New Mexico, to change the rate prescribed. In effect, it is an amendment to the committee amendment; but in language it is not an amendment to an amendment.

Mr. SMOOT. That is all I said.

Mr. WALSH of Montana. So I suggest to the Senator from Utah, inasmuch as there is a serious parliamentary question as to whether the amendment is in order at this time, being in effect an amendment to the amendment or not in order, not being an amendment to the amendment by its very terms, let us not pass it over. We have it here. If the Senator wants to talk about it, let him do so, and then let us vote on it.

Mr. ASHURST. Mr. President, Senators must not obtain the idea, from my vehemence, that there is any ill feeling about the matter, because there could not exist any ill feeling between any Senator and myself. The last Senator with whom I could have any ill feeling would be the Senator from Montana [Mr. WALSH]. I sit, indeed, at his feet as Saul sat at the feet of Gamaliel and learned the law. On elementary procedure and on the garnered wisdom of the common law I yield to him.

Some objection has been raised to my amendment upon the ground that it might not be constitutional to lay a seasonal tariff. It was quite a surprise to me to meet this objection, especially when the committee itself has submitted other amendments in the bill providing for seasonal tariffs. It is quite true that we are without precedent on the subject, but I have requested a memorandum from the legislative counsel; and, to save time, I shall not ask that it be read, but I ask that it be printed in the RECORD at this point without reading.

The VICE PRESIDENT. Without objection, it will be printed.

The memorandum is as follows:

MEMORANDUM IN RE SEASONAL RATES OF DUTY AND RECIPROCAL TARIFFS WITH CUBA

The following memorandum is submitted in response to your inquiry concerning (1) precedents in United States tariff laws for "seasonal" rates of duty, and (2) authority for reciprocal rates of duty on importations from Cuba.

1. Seasonal rates of duty: An examination of the tariff laws of the United States, supplemented by inquiries at the Customs Bureau, the United States Tariff Commission, and the Legislative Reference Service of the Library of Congress, indicates that the tariff laws of the United States have never imposed a "seasonal" rate of duty upon any article.

It is understood that Cuba and Sweden, and perhaps some other countries, have imposed seasonal duties on imports. For example, in a case involving paragraph 581, tariff act of 1913, which levied a duty of 10 per cent ad valorem upon potatoes "when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on such articles imported from the United States," the board of general appraisers held that the language of the statute was applicable in the case of potatoes imported from Sweden in the month of January, although at that time the law of Sweden provided a duty on potatoes only when imported into that country between the dates of February 15 and June 30 of any year. The contention that such potatoes imported from Sweden should not be subject to duty under this paragraph because the law of Sweden did not provide for a duty during that part of the year was overruled, but there was nothing in the decision of the board to suggest that, except for the restricted language of the provision, the duty might not have been levied during a particular season of year. See T. D. 35461 (1915).

A duty corresponding somewhat to a seasonal duty has been contained in various tariff acts in the case of certain kinds of tin. This is found in paragraph 1684 of the 1922 act and is retained in paragraph 1785 of H. R. 2667. That paragraph is part of the free list and covers generally "tin ore or cassiterite and black oxide of tin." However, there is a proviso in the paragraph reading as follows:

"*Provided*, That there shall be imposed and paid upon cassiterite, or black oxide of tin, a duty of 4 cents per pound, and upon bar, block, pig tin, and grain or granulated a duty of 6 cents per pound when it is made to appear to the satisfaction of the President of the United States that the mines of the United States are producing 1,500 tons of cassiterite and bar, block, and pig tin per year. The President shall make known this fact by proclamation, and thereafter said duties shall go into effect."

2. Authority for reciprocal tariffs on importations from Cuba: The following excerpts from the treaty between the United States and the

Republic of Cuba, concluded December 11, 1902, contain the authority for granting reciprocal tariff rates on importations from Cuba:

"ARTICLE I

"During the term of this convention all articles of merchandise being the product of the soil or industry of the United States which are now imported into the Republic of Cuba free of duty, and all articles of merchandise being the product of the soil or industry of the Republic of Cuba which are now imported into the United States free of duty, shall continue to be so admitted by the respective countries free of duty.

"ARTICLE II

"During the term of this convention all articles of merchandise not included in the foregoing Article I and being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of 20 per cent of the rates of duty thereon as provided by the tariff act of the United States approved July 24, 1897, or as may be provided by any tariff law of the United States subsequently enacted."

* * * * * * *

"ARTICLE VIII

"The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of this convention preferential in respect to all like imports from other countries, and, in return for said preferential rates of duty granted to the Republic of Cuba by the United States, it is agreed that the concession herein granted on the part of the said Republic of Cuba to the products of the United States shall likewise be, and shall continue, during the term of this convention, preferential in respect to all like imports from other countries. * * *"

Respectfully submitted.

CHARLES F. BOOTS,
Assistant Counsel, Office of the Legislative Counsel.

Hon. HENRY F. ASHURST,
United States Senate.

JUNE 8, 1929.

Mr. ASHURST. As I was about to say, there is probably no single product concerned with the present tariff bill in which consumers, in general, are as vitally interested as the fresh tomato. The rate carried in this bill is not a protective tariff rate but is an embargo on this product which has been demanded by certain vegetable interests of Florida, and if made effective would within a short time arouse such resentment from American consumers that a change in the tariff back to a basis of sound economics would be required within a short time. In the meanwhile, however, irreparable damage would be suffered by established American interests of many kinds, including the growing agricultural export business. Consumers are already aroused to some extent by this threatened embargo, but to many persons it is inconceivable that there should be any real danger of an embargo of this kind, or any restriction of supplies on such an essential food product by means of an increase in the present tariff rate.

It is not necessary, even if I were capable of doing so, to enter into any discussion of the interesting, indeed romantic, history of the discovery and culture of this important, wholesome, and nutritious food called the tomato.

It is said that Portuguese explorers discovered the tomato in Peru in the fifteenth century and gave it to the Arabs of Morocco, who, wanderers in the desert though they be, cultivated this plant and introduced it into Europe through Italy.

During the past decade the tomato has been as highly praised for its food value as any single product, with the possible exception of milk.

The high praise which the tomato calls forth from nutrition experts rests largely upon the content of those mysterious substances that have been named vitamins and upon their food values as demonstrated to exist.

The tomato is rich in those properties, or vitamins A, B, and C, which tend, respectively, to prevent and cure rickets, neuritis, and scurvy; in other words, vitamin A is antirachitic, B is antineuritic, and C is antiscurvy.

The fact that the activity and value of the tomato vitamins are practically unchanged by cooking or canning is of prime importance. The price of tomatoes is comparatively low, and some one has aptly called this fruit the "poor man's orange."

In content of vitamin A the tomato ranks with lettuce, below spinach, and above cabbage. For vitamin B it is twice as rich as turnip or onion and half as rich as yeast. It ranks with the orange and lemon juice for vitamin C.

Nutrition specialists give great weight to the value of "appetizers" in the diet, and in this connection the tomato is accorded a high place. Tomatoes have an important use in the prevention of diseases of malnutrition common in young children.

After all the theories have been advanced and after all evidence has been brought in, the final verdict regarding the use of a food product, rests with the housewife and she is keenly sensitive to the likes and dislikes of her family. The tomato's attractive color; its delicate acidity; its tasty flavor; its refreshing juiciness; and its ability gently to titillate the appetite, all make the tomato more popular than any other vegetable except the staple crops, sweet and Irish potatoes.

The low cost now extending to all seasons of the year, makes the tomato available, fresh or preserved, on practically every table.

The entire population of the United States is entitled to an opportunity to have a continuous supply of fresh tomatoes throughout the year with as much dependability and with prices as reasonable as possible. All tomato-growing districts are subject to hazards of frost, excessive rains, droughts, and insect pests and plant disease damage. For this reason it is highly important that several sources of supply of fresh tomatoes should be available at all times. Cuba, Bahama Islands, and the west coast of Mexico are much more reliable sources of supply of fresh tomatoes during the months of December, January, February, and March than any American district, and the imports during those months, stabilize the fresh tomato trade of the United States to the great advantage of consumers.

Even under present conditions with fresh tomato supplies available from Florida, Cuba, Mexico, and Bahama Islands from December to April, inclusive, there are, nevertheless, frequent periods when this important product is retailed at prices far beyond the means of the average consumer. Hence, further to restrict the supply by increasing the import duty during these months would be grossly unjust, placing this product definitely in the luxury class for the majority of our population for many weeks each year.

If the tomato were a nonperishable or even a semiperishable product which could stand cross-country shipment without more rapid deterioration than onions or cabbage, potatoes, or turnips; if the tomato could be produced in any section of the country during the season of tomato imports, in a reasonably dependable manner from year to year, and if that section were so located that gross injustice would not be done to the consumers in any part of our country by awarding a monopoly in one of the most important of all vegetable food products, then a higher tariff on fresh tomatoes might be tolerated. But the exact contrary is true. For illustration, if by any form of legislation the State of Florida were to be made absolutely dependent for its milk supply upon the dairymen of the State of Idaho, even for one week each year, with no assurance that the Florida milk consumers would receive a single quart from that only available source, it would be grossly unjust; hence, it would be no less unfair to give one small area of proven undependableness as a producer an absolute monopoly of the fresh-tomato business during not only 1 week but for 16 weeks each year.

The fresh-tomato industry of the Mexican west coast is virtually a seasonal extension of the industry in the United States. Tomatoes from Mexico are imported and sold in the markets of the United States at a time when it is impossible for the tomato producers in this country to meet the demand in a reliable way.

All sections of the country have been accustomed to having this product available at reasonable prices at all seasons of the year. No section of the United States has a dependable source of supply of fresh tomatoes during the period from December 1 to March 30. Florida may be considered reasonably dependable during the month of April as a source of supply for the eastern half of the United States, and the western half of the United States can not be economically supplied from the State of Florida under any conditions or at any season.

Senators here from the Northwest—the able and wise Senator from Wyoming [Mr. KENDRICK]; the erudite and active Senator from Washington [Mr. DILL]—I inquire where will their constituents obtain winter tomatoes? Are they going to get them from Florida? They will not get winter tomatoes from Florida. California, Colorado, Nevada, Oregon, Utah, Arizona, Idaho, Montana, and New Mexico do not get winter tomatoes from Florida. They get tomatoes from the Pacific coast in large quantities. I will pass now to Massachusetts, whose handsome and able junior Senator [Mr. WALSH] now gives me his attention. Where is Massachusetts going to get her supply of winter tomatoes? From Florida? Florida might supply an insignificant fraction thereof, but she is totally incapable of supplying all the winter tomatoes, whereas during the winter these so-called out-of-season tomatoes from the west coast of Mexico, from Cuba, and Bahama will aid in supplying the demand.

So it would seem to me that the high protective tariff advocate, even the advocates of the highest protective tariff, should be willing that on a staple food, now so necessary to the sub-

sistence of the people, would not, just out of mere whim, wantonly shut off a supply of winter tomatoes.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from California?

Mr. ASHURST. I always yield to the able Senator from California.

Mr. SHORTRIDGE. May I propound a question to the learned Senator from Arizona? Can tomatoes be raised in Florida during the winter months?

Mr. ASHURST. The two Senators from Florida speak with a greater degree of accuracy than I can on that subject, and I declare that they do raise some few winter tomatoes in Florida.

Mr. SHORTRIDGE. They have soil, I take it, the climate, the men and women, the energy, and the brains?

Mr. ASHURST. Yes.

Mr. SHORTRIDGE. With all those things—and I am asking the question to develop the view of the Senator—would it not be better for us if Florida should raise these tomatoes and ship them up to the classic State of Massachusetts rather than to look down to Mexico for them?

Mr. ASHURST. It would be well if it could be done.

Mr. SHORTRIDGE. Can it not be done?

Mr. ASHURST. No; the State of Florida can not do it.

Mr. SHORTRIDGE. California will have to do it, then. [Laughter.]

Mr. ASHURST. No statesmanship that Florida may send here can make Florida soil produce enough tomatoes in the winter to supply even the eastern coast of the United States.

Mr. SHORTRIDGE. It is almost treason for the Senator to say that Florida can not do it.

Mr. ASHURST. If that be treason, make the most of it, then! [Laughter.]

Mr. SHORTRIDGE. I think she can do it.

Mr. ASHURST. The Senator says if Florida can not do it California will. I shall not ask the Senate to listen to me while I read a long brief composed somewhat of petitions from the State of California asking that my amendment be adopted. Hence, in order to save time, I ask that a brief, prepared by Dr. A. W. Morrill, representing the West Coast Vegetable Association, of Nogales, Ariz., may be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. (See Exhibit A.)

Mr. ASHURST. Mr. President, I have in this, I assure you, very earnest speech attempted to place before the Senate and I hope in a small way before the country the need for a reduction in the duty on fresh, out-of-season, or winter tomato.

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. Gladly.

Mr. DILL. I note that in paragraph 772 the committee has done the very thing for eggplant and cucumbers which the Senator from Arizona is asking to have done for fresh tomatoes.

Mr. ASHURST. I thank the Senator, and bless me, I had overlooked that. Here is the very idea in paragraph 772 for which I am arguing.

Mr. DILL. Does not the Senator, as a horticulturist, know that cucumbers, eggplant, and tomatoes are produced in the same way?

Mr. ASHURST. No; I am not enough of a horticulturist to know that. I frankly admit my ignorance on that point. The only thing I practically know about eggplant is that I am the ultimate consumer thereof.

Mr. President, I fear that I have apparently exhibited a degree of impatience and petulancy that may have wounded the sensibilities of some Senators. I frankly say that to do so would concern and distress me. I do not want to wound the sensibilities of anyone.

Mr. WALSH of Massachusetts. It is due to long sessions and night sessions.

Mr. ASHURST. The Senator from Massachusetts says it is due to long sessions and night sessions. I am willing that any reason shall be ascribed so long as it is not ascribed to a lack of generosity on my part.

EXHIBIT A

A SUMMARY OF FACTS OF IMPORTANCE IN CONNECTION WITH THE FRESH TOMATO TARIFF

Among the fresh vegetable products which may reasonably be classed as necessities there is none which takes precedence over the tomato.

Among all fresh vegetables the tomato is generally regarded as the most popular source of the vitamins which are essential to health, being exceeded only by spinach in vitamin content, and ranking next to lettuce in car-lot movements in the United States. It is noteworthy that as regards vitamins the value of the fresh tomato is well ahead of that of the orange.

Official records of car-lot movements of fresh tomatoes do not indicate the total consumption or the percentage of total consumption imported. It is estimated that the imports actually represent less than 5 per cent of the total consumption.

Statements in regard to the percentage of tomatoes consumed in the United States based on the car-lot movements do not reflect the true proportion of imports and domestic production, since all imports are recorded regardless of the fact that more than 10 per cent of the imports are reexported to Canada, while of the domestic production there is reason to believe that nearly as large a quantity is delivered from local farms to the near-by markets by trucks as enter into carload movements. Proportionally more of the mixed car-lot movements of fresh vegetables of domestic origin consist of tomatoes than in the case of imports recorded as mixed vegetables. The tomato is probably the most popular of all home garden fresh vegetables, adding enormous quantities to the total consumption. Hothouse-grown tomatoes rarely are recorded in car-lot movements, as this product is a high-priced luxury and usually is shipped by express in small lots.

No section of the United States has been able consistently to provide an adequate and reasonably dependable supply of good quality field-grown fresh tomatoes for the leading American markets during the period from December 1 to April 30.

The Western States could not be supplied with fresh tomatoes from January 1 to April 30 with reasonable economy from any domestic source under the most favorable conditions. Conceding the State of Florida as reasonably dependable for the month of April as a source of supply for the eastern half of the United States, notwithstanding a variability exceeding 200 per cent for this month during the past three years, the fact remains that a monopoly on the fresh tomato supply such as the Florida vegetable interests are demanding would deprive the population of a large section of the country of this important food product for a considerable portion of each year.

Under present conditions with fresh tomato supplies available from Florida, Mexico, Cuba, and Bahama Islands from December to April, inclusive, there are frequent periods when this important product is retailed at prices far beyond the means of the average consumer. To further restrict the supply by increasing the import duty would be grossly unjust, placing the product definitely in the luxury class for the majority of our population for many weeks each year.

The population of the United States is entitled to a continuous supply of good fresh tomatoes throughout the year with as much dependability and with prices as reasonable as possible. All tomato-growing districts are subject to hazards of frosts, excessive rains, droughts, and insect pest and plant disease damage. For this reason it is highly important that several sources of supply of fresh tomatoes be available at all times. The west coast of Mexico, Cuba, and Bahama Islands are much more reliable sources of supply of fresh tomatoes during the months of December to April, inclusive, than any American district, and the imports from these countries stabilize the fresh tomato trade of the United States to the great advantage of consumers.

Domestic production is limited by low temperatures and other unfavorable climatic conditions.

The unreliability of Florida as a producer of tomatoes during the winter and spring months is not altogether due to frosts or chilling temperatures. It should be borne in mind that other climatic factors may be conducive to the development of insect pests and plant diseases, or otherwise interfere with the production of a quality of tomatoes which will stand shipment to distant markets.

The cost of production is higher in Mexico than in the United States, according to investigations of the United States Tariff Commission covering two seasons.

Investigations of the Tariff Commission have shown that the labor cost of producing marketable tomatoes on the west coast of Mexico is almost identical with the average cost of producing the same quantity in Florida and south Texas. When the cost of supervision is added the labor and supervision cost in Mexico was found for the seasons investigated to amount to 20 per cent more than the average for the American areas. The contention of certain American producers to the effect that tomatoes are grown with a much less cost in Mexico than in the United States is grossly misleading and constitutes a bugaboo which can impress only those who are ignorant of the facts. Investigations of the United States Tariff Commission have shown that the total cost of producing and marketing Mexican tomatoes in leading American markets is more than 20 per cent higher than for domestic producing areas. Farm production costs per 100 pounds of tomatoes marketed, as simple averages for two seasons investigated, were reported as $4.33 for Mexico as compared with $3.60 for Florida and south Texas. Total costs when marketed in Chicago were determined as $8.73 per hundred pounds for Mexican and $7.35 for domestic tomatoes, while in New York the costs were $9.22 per hundred pounds for Mexican and $7.39 per hundred for domestic tomatoes. These figures include the present tariff rate of one-half cent per pound.

Official records of unloads of fresh tomatoes in the leading markets throughout the country show conclusively that when the domestic supply is adequate the shippers of tomatoes from the Mexican west coast can not compete successfully and consequently relinquish the markets to the shippers of domestic tomatoes.

These records show that the eastern markets are not attractive for Mexican tomatoes during the month of May, when the Florida movement is at its peak. This in itself corroborates in a practical way the cost findings of the United States Tariff Commission. The western markets, such as Kansas City and Dallas, rapidly lose their attraction as markets for Mexican tomatoes as the lower Rio Grande Valley reaches production in quantities adequate to supply the demand.

Peak movement of tomato imports and of tomatoes of domestic production do not normally occur at the same time. The imports are rapidly declining before the Florida peak movement is reached.

The peak of the importing season for fresh tomatoes is usually about the middle of April, the peak of the season for Florida shipments about the middle of May, and the peak of the movement for the South Texas district three or four weeks later. It has been erroneously stated in effect by witnesses for Florida vegetable interests that the peaks of the season for the Mexican west coast and for Florida are more or less coincident, whereas the facts are as above. Considering the peak movement as covering long periods of time, six weeks in each case, such a peak for the imports would end April 18, for the past three seasons averaging 308 cars per week, while the peak movement of Florida tomatoes would occur during a 6-week period ending May 30, averaging 707 cars per week. Including the movement of tomatoes from Florida and Texas combined, this 6-week peak movement of domestic tomatoes averaged 833 cars per week.

The stabilizing of the fresh tomato supplies by the imports from Mexico, Cuba, and the Bahama Islands when the domestic supplies are inadequate or undependable is a factor of the greatest importance in connection with the marketing of American-grown tomatoes, including particularly those grown in Florida, Texas, Mississippi, and California.

The efficient marketing of green wrapped tomatoes in the present large volume of production has been made possible by the development of the tomato-repacking business in all of the large markets throughout the country. These establishments with large investments and equipment could not operate economically if their supplies were restricted by a tariff embargo for several months each year and they were made dependent on the fluctuating and frequently inadequate supplies from the State of Florida. The forced closing of a large proportion of the establishments engaged in the tomato-repacking business, which would inevitably result from a tariff which would restrict or prohibit imports from Mexico, Cuba, and the Bahama Islands would result in a demoralized market condition during periods of normal peak movements of American-grown tomatoes, unless the situation were met by a large cut in the acreage grown for shipment.

Contrary to statements made by vegetable tariff embargoists, the districts in the United States which ship tomatoes between November 15 and May 15, during which time 98 per cent of the imports reach the American markets, have shown a decided tendency to increase in acreage during the past few years, thus exhibiting a growth of the industry which positively refutes the contentions of the representatives of the winter and spring tomato interests that their industry is threatened with ruin by foreign competition.

This increase for the fall and early tomato plantings as reported by the Bureau of Agricultural Economics shows an increase from 25,950 acres in 1926 to 47,300 acres in 1929, an increase of more than 82 per cent. South Texas, which is taking an active part in the demand for a tariff embargo on vegetables, according to official records has shown a steady increase in acreage from 3,300 acres in 1926 to 7,560 in 1929, an increase of more than 139 per cent. On the other hand, during the same period the second early group of producing States, including Georgia, Louisiana, Mississippi, South Carolina, and Texas (except the lower valley) showed an increase from 80,220 acres to 105,310 acres, an increase of only 31.2 per cent. These States and districts which are not appreciably affected by the imports, except in a beneficial way as explained in paragraph 9, show a growth in percentage much less than a half of that shown by the districts the tariff embargoists contend are facing absolute ruin by foreign competition. Moreover, Florida tomato prices have shown remarkable increases coincidentally which would exist under a tomato tariff embargo.

Growers of hothouse tomatoes are benefited by the stabilizing effects of the fresh tomato imports as compared with the chaotic outlook which would exist under a tomato tariff embargo.

The wide fluctuation in the supplies which would inevitably result if Florida were given a monopoly in this commodity for several months each year would demoralize the hothouse-tomato business. The only direct competition of consequence which is so far known to exist between field grown and hothouse tomatoes has been effected by a small percentage of extra fancy stock from Florida.

The Mexican west coast tomato industry is virtually an American enterprise in its origin and present maintenance and of great benefit to both manufacturing and agricultural industries of the United States.

About five-sixths of the gross value of the Mexican west coast tomato crop is represented by purchases of packing and other supplies and materials, transportation paid to American-owned railroads, commissions, salaries, and rentals paid to American citizens and landowners, while the industry incidentally has developed important trade relations of great value to the United States. Mexico is not only one of the best customers for American manufactured goods, but it is notable for its importation of food products from the United States. The same is true of Cuba, which constitutes one of the best markets of American fruit, fresh and canned.

The fresh tomato does not decrease the consumption of other agricultural products.

It can not be contended that the fresh tomato decreases the consumption of other foods, as it is of acknowledged value as an appetizer, and this feature, with its still more important vitamin content, unquestionably maintains and improves health and consequently tends to increase rather than to decrease the demand for other foods.

Statistics on the car-lot movement of fresh tomatoes show that on the basis of average consumption for the month of June there is, in general, no surplus of fresh tomatoes in the American markets between December 1 and April 30.

During this period the supply of fresh tomatoes entering into consumption in the United States is estimated to average approximately one tomato for each person a month, whereas for the month of June when the supplies are all from domestic sources, approximately 3.9 tomatoes are available for each person. While there is some slackening of the demand during cold weather this is largely due to the high prices and the shortage of supplies of good quality. Tomatoes of inferior quality are naturally not in demand except on the basis of correspondingly reduced values.

The bugaboo of the asserted tremendous and rapidly increasing imports of fresh tomatoes from Mexico should not impress anyone of ordinary intelligence equipped with pencil and paper or capable of solving simple problems in mental arithmetic.

One hundred million pounds of tomatoes imported during a period of five months represents only about three and a third tomatoes of medium size per capita, or about two-thirds of a tomato per capita per month. Allowing for reexports to Canada and normal wastage, this is actually more than entered into consumption from the imports of 1926–27 season which were much greater than 1927–28 or 1928–29. The imports for these later seasons were greatly reduced by hazards of the Mexican tomato business recently asserted by Florida interests to be nonexistent.

The unlimited opportunity for increase in the acreage of tomatoes in Florida and south Texas is only a minor factor among those governing the practicability of the expansion of the industry to meet consumer needs as promised by representatives of the domestic producers.

The Florida east coast and south Texas have acquired a very bad reputation in regard to the quality of their tomatoes during the past fall and winter months, and the futility of making the country dependent on tomato supplies from these two States has been clearly demonstrated. If it were practicable for the Florida east coast to expand its tomato acreage indefinitely, such development by the frequent overlapping of the shipping seasons would ruin the tomato industry of the Florida west coast and of south Texas. Even under existing conditions this overlapping of seasons is acknowledged to be more injurious to the Florida west coast than is the competition in the markets offered by the imports.

The main contentions of representatives of American producers in support of their demand for a tariff embargo on fresh tomatoes are based on absurd misstatements of facts which in several cases are obviously due to ignorance rather than intention.

Misstatements of facts by representatives of American producers are so numerous and absurd that it seems unnecessary to attempt to mention them individually. One typical example will be mentioned here and a few others will be discussed elsewhere. On pages 5101 and 5103 of the reports of the Ways and Means Committee hearings on tariff readjustment 1929, will be found assertions by a representative of Florida tomato interests to the effect that more than 50 per cent of the tomatoes in Florida were rotting in the fields because of undersellling by imports from Mexico. These statements were made on January 28, at a time when Mexican tomatoes had been consistently outselling the tomatoes from Florida in the leading eastern markets, and when the inferior quality of the Florida tomatoes as compared with the imports from Mexico was well known to the produce trade and to practically every intelligent person connected with the fresh-tomato business in the United States. Explanations of the situation in the words of better-informed representatives of the Florida tomato industry are given herein.

Each vegetable-growing district, if it continues to exist as such, naturally fits into the general scheme of things as they are, and if acreage is increased unduly, or if attempts are made to produce contrary to natural and economic laws and conditions, the producers suffer the consequences.

The Florida east-coast district probably would make a good profit from its tomato crop if the growers there would hold down their acreage to around 10,000 acres a year and cease trying to grow a large volume during the winter when their conditions are normally unfavor-

able. Florida each year produces good tomatoes and poor tomatoes in varying proportions and amounts, as is the case with all other districts, domestic or foreign. In view of the uncertainties of tomato production during the fall and winter, before demanding a monopoly during several months each year, any district with ambitions along this line, in order to make a real success of the business, should first educate the American consumers to eat garbage—and like it well enough to pay fancy prices for it.

While a majority of American agricultural industries are requesting tariff protection to the extent of an amount sufficient to equalize the costs of domestic and foreign production the Florida and Texas tariff embargoists urge the adoption of a prohibitive rate on an essential commodity the demand for which they can not themselves properly supply.

Three cents a pound on fresh tomatoes would give them a cost advantage, according to investigations of the United States Tariff Commission, of 53 per cent in Chicago and 59 per cent in New York. Such rates are obviously intended to be absolutely prohibitive and differentiate the tariff demands of the Florida vegetable growers from those of the majority of the agricultural interests of the country, which ask only to have their products placed on a fair competitive basis in the leading seaboard markets. In view of the well-known inability of Florida to supply the needs of the consumers in an adequate and reliable way during the winter and spring months, their demand for a tariff embargo on tomatoes constitutes the outstanding dog-in-the-manger exhibition of greed and selfishness in the present consideration of the tariff by Congress.

Finally, let it be understood no opposition is voiced by the West Coast Vegetable Association to any tariff on fresh tomatoes, no matter how high, based on sound economics.

In justice to consumers and to business and agricultural interests concerned with foreign trade and with full consideration of the legitimate needs for protection of American producers the West Coast Vegetable Association has proposed a seasonal tariff on tomatoes, which would permit the importation of this product duty free between December 1 and April 30, when the domestic supply is inadequate or undependable, or for other reasons unable to properly meet the demands of the consumers throughout the country. The West Coast Vegetable Association would voice no opposition to any tariff rate which might be proposed to be applied before December 1 and after April 30, or to any annual rate which in the future, on the basis of investigations of the United States Tariff Commission, may be determined as necessary to equalize the cost of production between domestic and imported fresh tomatoes in leading American markets.

STATEMENT AND BRIEF OF A. W. MORRILL, LOS ANGELES, CALIF., BEFORE COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, JANUARY 28, 1929, REPRESENTING WEST COAST VEGETABLE ASSOCIATION, NOGALES, ARIZ., AND THE ASSOCIATED PRODUCE DEALERS AND BROKERS, LOS ANGELES, CALIF.

Doctor MORRILL. Mr. Chairman and gentlemen, I appear before you on behalf of the West Coast Vegetable Association, of Nogales, Ariz., and the Associated Produce Dealers and Brokers of Los Angeles, in opposition to any increase in duty on fresh tomatoes. I would like to file at this time a concise statement of the reasons why the latter organization has taken this stand on the question. I would also ask permission to file for the records a very brief but interesting statement received by delayed mail from Los Angeles after I had prepared and submitted my brief and statement on green peas. This statement is by M. F. George, president of the Yaqui Fruit Co., interested in the green-pea growing and shipping business in the United States and Mexico.

The fresh tomato, once considered poisonous, is recognized now as the leader of the strictly perishable vegetable class. Lettuce surpasses it in car-lot shipments, but the car-lot shipping record is very inadequate in showing consumption of this common garden vegetable. Professor Work, of Cornell University, in a book on the tomato recently stated that "during the past 10 years it has been as highly praised for its food value as any other product with the possible exception of milk." It ranks in a class second to spinach and well above the orange in vitamin content. Not being a protein or starchy food, but being our leading appetizer, it not only does not displace other foods but tends to increase their consumption. The special importance of the fresh tomato and the fact that it is, like milk, a highly perishable product should not be lost sight of in consideration of a tariff rate.

In general, my statements in my discussion of paragraphs 767 and 772 will apply as well to the fresh tomato.

I believe that the imports of fresh tomatoes, all of which are recorded in car lots, constitute less than 5 per cent of the actual total consumption, of which we have only a partial record. These imports can come in only when the domestic supply is not adequate or dependable.

The Mexican west coast tomato industry, built up principally by American citizens, has paid millions of dollars into the United States Treasury in import duties, nearly one-half million dollars last season. It has stimulated the development of other enterprises in Mexico, requiring the importation into that country from the United States of many millions of dollars' worth of railroad equipment, farm implements, packing materials, automobiles, seeds, livestock, and food products. This industry and associated enterprises are now using equipment from the United States which cost at least a million and a half dollars. Five-sixths of the gross value of the crops sold in the United States is left here for expenses or paid to American citizens in Mexico who feel that they do not deserve to have their business and property values destroyed, as the Florida vegetable interests propose to do, in order to insure them a monopoly during certain months of the year.

The very careful and thorough study made by the United States Tariff Commission experts covering representative seasons in Mexico and parts of the United States shipping tomatoes at the time when the imports are arriving has shown that Florida and Texas tomato growers can deliver their tomatoes in New York and Chicago with a cost advantage averaging approximately 28 per cent in New York and 24 per cent in Chicago. It would be impossible for Congress to equalize the cost, for even with the duty eliminated the advantage for the Florida and Texas growers would still average above 20 per cent.

My brief and statement on tomatoes filed at this time goes into the subject of the fresh-tomato industry in considerable detail, with many charts and tables which, although based on official records, are in a form not to be found elsewhere. Some of these charts and tables are before you.

If the tomato were a product of no particular food value, if it were a nonperishable or semiperishable product which could stand cross-country shipments without more rapid deterioration than onions or cabbage, if it could be produced in any section of the country during the season of tomato imports in a reasonably dependable manner from year to year, and if that section were so located that no gross injustice would be done to the consumers in any part of the country by awarding a monopoly in one of the most important of all vegetable food products, if no other American agricultural industry with large and legitimate investments were to be damaged or destroyed by such action, then a higher tariff on fresh tomatoes would be justified. But the exact contrary is true. It would be grossly unjust if by any form of legislation the State of Florida were to be absolutely dependent for its milk supply on the dairymen of the State of Washington, even for one week each year, with no assurance that the Florida milk distributors would receive a single quart from the only available source, and it would be no less unfair to give one small area of proven undependableness as a producer an absolute monopoly of the fresh-tomato business during not only one week but for a period of from 12 to 15 weeks each year.

I wish to say that the canning industry and the greenhouse tomato-growing industry do not in any way suffer from the Mexican west coast vegetable industry. Tomatoes can not be grown in greenhouses and sold at a price which will suit the average consumer, as do these comparatively cheap field-grown tomatoes from Mexico and Florida.

I will insert here in the record paragraphs from the Packer, a nationally circulated and well-known produce trade paper which specializes in market reports. These reports refer to markets to which practically no Mexican tomatoes had been shipped this season, although Cuban stock had been in fairly liberal quantities. These market reports throw a sidelight on the question of the low prices received for Florida tomatoes believed by some growers to be entirely due to foreign competition.

"BOSTON, December 28.—Dullness characterized the potato market this week and the situation showed little change from last week. Supplies were moderate, but the movement, although fairly steady, has been rather inactive. Maine Green Mountains sold at $1.10 to $1.15 per sack and New Brunswicks sold at $1.10 to $1.15 per 120-pound sack. Prince Edward Island stock brought $1.40 to $1.60 per 90-pound sack.

"Tomatoes did not seem to interest the holiday trade very much, as those coming from California were of poor quality and not wanted and Southern stock was too green. Florida 144s sold at $2.75 and 215s brought $1.75. Spinach was draggy and few lots were fancy enough to bring $1 and poor lots did not interest buyers at 75 cents."

"Philadelphia, January 4.—Truck receipts of near-by produce were rather light in the local wholesale market the early part of the week.

"Southern vegetables ruled steady the first of the week. Texas chicory was offered at $3 a crate. Louisiana escarole was priced at $1.25 to $1.50 a hamper. Peppers brought $8 to $9 a crate. Louisiana shallots were $4 to $5 a bushel. Tomatoes from Florida arrived in poor condition and were sold from 75 cents to $1.50 a crate."

"New York, January 11.—Artichoke receipts were light this week and the market was firmer. California best boxes brought $5 to $5.50, poor to good $3.50 to $4.75, and one-half boxes $2 to $2.50.

"Tomato receipts showed poor quality and demand was slow with prices unchanged. Florida crates brought 50 to 75 cents, Nassau 144s and 120s, crates, $2 to $2.50, 180s, $1.50 to $2, 216s, $1.25 to $1.75, Cuba 144s, 70 cents to $2.88, 120s, 75 cents to $2.50, 180s, 70, cents to $1.75, 216s, 90 cents, repacked 72s, $1.75 to $2.50, 90s, $1.50 to $2, and 10-pound cartons, $1.35 to $1.50."

I have learned from Sawyer & Day, leading receivers and repackers of Florida and Mexican tomatoes in Boston, that the Florida stock has been very poor this season and although it is now much improved it does not average up to the Mexican. The principal trouble has been the well-known Phoma rot. This fungus occurs on the Mexican west

coast but is reported as rarely seen this season on tomatoes from that district. Other receivers and repackers are even more emphatic in their statements in regard to the inferiority of the Florida east coast tomatoes as compared with those from Nassau, Mexico, and Cuba.

Since the witness who preceded me appeared to have certain data confused I will say here that the Mexican west coast district shipped into or through the United States 2,048 cars of tomatoes for the season of 1923–24 instead of 390 as stated. The season before that the total was 1,714.

The following, also from the Packer, is of interest as showing the extent of the 1928 increase in values of Florida's truck crops over the year 1927, showing a fairly healthy growth:

"ORLANDO, FLA., December 28.—Values of Florida crops for 1928 were $98,078,000 and were in excess of the $96,732,000 total for 1927. This is the assertion of the Bureau of Agricultural Economics of the United States Department of Agriculture here. The figures represent the principal agricultural products of the State and include staple crops, truck crops, and fruits.

"Production of oranges and grapefruit in the State was the lowest during 1928 since the season of 1921–22 but, due to the high prices received for the fruits, returns to the growers were unusually large, the report says. Valuation of the citrus crop of the present season was based by the bureau on reported December 1 prices and the report prepared by H. A. Marks, statistician, asserts that the valuation may be materially lower than the final return for the crop as was the case during the past season.

"Staple crops showed an increase in value in 1928 with a total of $24,776,000, compared with the $23,500,000 total of 1927. Truck crops displayed a greater increase, the estimate for 1928 placing the value at $31,258,000 as against $24,285,000 for 1927.

"Fruit and nut valuations showed a decrease from $48,947,000 in 1927 to $42,044,000 in 1928. The pecan crop of the State was much larger than that of the past season with a 50 per cent increase in value, the report showed, while the production of peaches and pears was also above that of last year. Citrus fruits, pears, and pineapples were shown as responsible for the decreased value."

BRIEF OF THE WEST COAST VEGETABLE ASSOCIATION, NOGALES, ARIZ., ON TOMATOES IN THEIR NATURAL STATE (PAR. 770)

This brief and statement is submitted by the West Coast Vegetable Association, Nogales, Ariz., representing the fresh tomato industry of the Mexican west coast, which is virtually an American industry organized to supply the demands of American consumers during certain seasons of the year. Any imposition of additional tariff duties on tomatoes in their natural state would injuriously affect the production of fresh tomatoes along the west coast of Mexico and would thereby deprive the American consumers of this product during months in which the American producers are unable because of climatic conditions to supply adequately or in a dependable manner the markets of the United States. The fresh tomato has become the third most important of all vegetable crops in the United States, as shown by the official records of car-lot shipments. A tariff rate which would restrict or limit the supply at any period of the year through a monopoly given to American producers in a limited area would be unjust and unfair to the average American consumer of average means. At the outset, it is to be stated that the West Coast Vegetable Association, being an American organization, agrees with the general principle of proper tariff protection for American agricultural industries. In connection with fresh tomatoes and similar strictly perishable vegetables, however, the situation is one which can not be analyzed effectively without an intimate inquiry and resulting acquaintance with the winter and spring tomato industry in both the United States and Mexico and other foreign producing countries, and the ramifying commercial relations connected therewith.

ITEMS AND PARAGRAPH OF EXISTING LAW IN WHICH INTERESTED

The West Coast Vegetable Association is directly interested in paragraph 770 of the tariff act of 1922, which reads as follows:

"PAR. 770. Tomatoes in their natural state, one-half of 1 cent per pound; tomato paste, 40 per cent ad valorem; all other, prepared or preserved in any manner, 15 per cent ad valorem."

CHANGES IN DUTIES

The association is particularly interested in any proposal which may be made to this committee to change the existing duty on tomatoes in their natural state.

SPECIFIC SUGGESTIONS AS TO CHANGES IN RATE AND PHRASEOLOGY OF EXISTING LAW

In the existing tariff act of 1922, the duty on tomatoes in their natural state is made effective for the entire year without any regard to the fact that during a large portion of the time when tomatoes are being imported, American producing sections are unable to supply the American market demands in a dependable way. The present tariff rate is, therefore, unjust and not necessary. In the light of the foregoing, it is specifically requested that paragraph 770 be amended to read as follows:

"PAR. 770. Tomatoes in their natural state, one-half of 1 cent per pound except during the period from December 1 to May 1, when they shall be exempt from duty; tomato paste, 40 per cent ad valorem; all other, prepared or preserved in any manner, 15 per cent ad valorem."

REASONS FOR OUR RECOMMENDATIONS

It is unnecessary in this brief to discuss the tomato industry in great detail since the United States Tariff Commission, on June 25, 26, and 27, 1928, held a hearing on the subject, having prior to that time conducted an extensive investigation of the tomato-growing industry. The entire records of the Tariff Commission on this subject are available to this committee. The principal producing areas of fresh tomatoes in the United States, from November to May, inclusive, are the Florida east coast, the Florida west coast, and southern Texas. The principal country from which fresh tomatoes are imported into the United States is Mexico, and the principal area of production there is on the west coast and largely confined to the state of Sinaloa. Smaller quantities are imported from Cuba and the Bahama Islands. The investigation of the Tariff Commission included field work covering the tomato-growing sections of Florida, Texas, and Mississippi and the west coast of Mexico. (Preliminary Statement on Fresh Tomatoes, Tariff Commission, May 22, 1928, p. 4.) The crop years 1925–26 and 1926–27 were used by the Tariff Commission for purposes of cost comparison. The period which was particularly considered was from November to May, inclusive, although imports of fresh tomatoes during November are of negligible quantity. The crop years, 1925–26 and 1926–27, used by the Tariff Commission for purposes of cost comparison are representative.

Testimony offered before the Tariff Commission has shown that the production costs for the season 1927–28 were very greatly increased over the seasons 1925–26 and 1926–27, both in Florida and on the west coast of Mexico. There is absolutely no reason to believe that the consideration of the cost figures for the 1927–28 season would materially affect the relative costs of the producing sections of the two countries.

The conditions in the areas studied by the Tariff Commission in the United States and Mexico are representative of the fresh-tomato regions which produce fresh tomatoes for the American markets from November 1 to May 31, inclusive.

The fresh-tomato industry of the Mexican west coast is virtually a seasonal extension of the industry in the United States. Tomatoes from Mexico are imported and sold in the markets of the United States at a time when it is impossible for the tomato producers in this country to meet the demand in a reliable way.

The West Coast Vegetable Association, after a thorough examination of the preliminary statement on fresh tomatoes of the United States Tariff Commission, May 22, 1928, is entirely satisfied that the commission's data are obviously fair to all concerned, dependable as to accuracy, and obtained without prejudice. In order to assist this committee in arriving at a comprehensive understanding of the fresh-tomato situation during the period when the imports are arriving, we have rearranged certain data and present herewith tables and charts in support of our contentions. Additional charts and tables have been prepared from other data from the United States Department of Agriculture.

RELATIVE IMPORTANCE OF FRESH TOMATOES

Fresh vegetables are generally recognized as vital to the health of our population. One of the most important of all fresh vegetables, the tomato, is of exceptional value. This point is well illustrated by one of the leading reference books on tomatoes published by Dr. Paul Work, of Cornell University, in 1926. Certain paragraphs from this book are incorporated in this brief as Exhibit 1.

The importance of fresh tomatoes among all kinds of vegetables is shown by the fact that it is surpassed only by potatoes and lettuce in car-lot shipments within the United States. In 1927 the records of the Bureau of Agricultural Economics of the United States Department of Agriculture show a total movement of 256,507 cars of potatoes and 46,669 cars of lettuce and 38,770 cars of tomatoes.

UNDEPENDABLENESS OF DOMESTIC SOURCES OF SUPPLY

All sections of the country have been accustomed to having this product available at reasonable prices at all seasons of the year. No section of the United States has a dependable source of supply of fresh tomatoes during the period from December 1 to March 30. Florida may be considered reasonably dependable during the month of April as a source of supply for the eastern half of the United States, although during the past three years the car-lot movement from that State has varied from approximately 1,100 cars to 3,600 cars, a variability exceeding 200 per cent. But under the most favorable conditions, the western half of the United States can not be supplied with tomatoes in an economical manner from the State of Florida, an important point which will be referred to again. The relative dependability of domestic and foreign-grown fresh-tomato supplies in American markets for each month from December to April, inclusive, covering a period of five years, is graphically shown in charts incorporated in this brief as Exhibits 2, 3, 4, 5, and 6, and by tables designated Exhibits 7 and 8. This record shows that the extreme variability of the domestic sources

of supply during the months when imports are arriving in the American markets is such that it would be grossly unjust and detrimental to the population of the country as consumers to eliminate the imports by a prohibitive tariff.

Without discussing in detail the causes of the undependableness demonstrated by official production records it should be clearly understood that frosts are only one of several factors. Climatic conditions conducive to the development of fungus parasites, as in the case of Phoma rot of tomatoes in Florida this season, may be as disastrous as a severe frost.

ECONOMIC IMPRACTICABILITY OF SUPPLYING MARKETS OF ENTIRE COUNTRY FROM DOMESTIC SOURCES FROM DECEMBER 1 TO APRIL 30

It has already been mentioned that the western half of the United States can not be economically supplied from the State of Florida under any conditions or at any season. The domestic production in the West does not have sufficient volume to supply the western markets until about the middle of May. This fact is graphically illustrated by a chart showing the car-lot shipment of tomatoes within the United States for the months December to May, inclusive, averaged for the three seasons 1925–26, 1926–27, and 1927–28, incorporated in this brief as Exhibit 9. This chart shows that on the average for the past three seasons south Texas and southern California combined have shipped less than 100 cars of tomatoes by the 10th of May, which amount would not adequately supply the markets of the three Pacific coast States of Washington, Oregon, and California, if this entire production were to be shipped to those States.

The contentions of many concerns and organizations in the West on behalf of the consumers are illustrated by the following quotations from petitions and resolutions filed with United States Tariff Commission at the hearing on fresh tomatoes on June 27, 1928.

From the Associated Produce Dealers and Brokers of Los Angeles:

"1. We believe that vegetable trade and consumers of the far Western States are entitled to a continuous supply of fresh tomatoes throughout the year with as much dependability and at prices as reasonable as possible.

"2. The present supply in Los Angeles market during the months from November to May is such that the retail price is frequently beyond the reach of the average consumer. During this period Mexico is the only source of commercial supplies for the territory west of the Rocky Mountains.

"3. Statistics show conclusively that no tomato-growing district of the United States can supply the American markets in a dependable way during the months of November to May, inclusive.

"4. Those producing interests demanding an increase in the duty on fresh tomatoes propose in effect that the needs of the western markets be ignored by the Tariff Commission and the President in the present consideration of the subject.

"5. All tomato-growing districts are subject to hazards of frost, excessive rains, droughts, and unusual insect pest and plant disease damage. For this reason it is highly desirable that several sources of supply of fresh tomatoes be available during the months when the supply is short. The west coast of Mexico is a much more reliable source of supply of fresh tomatoes during the months from November to May, inclusive, than is any American district, and acts as a stabilizer of the tomato trade in the entire United States during these months, as well as the sole source of supply for the Western States."

From a group of produce dealers and brokers of San Francisco:

"San Francisco, the center of produce distribution of northern California, is absolutely dependent upon tomatoes grown in Mexico during several months of each year and we believe that rather than to increase the duty and restrict the supply the Tariff Commission should, on the basis of available information, recommend a decrease in the present duty.

"As is well known to the produce trade, there is no dependable domestic source of supply of tomatoes during the months from December to May, inclusive, and that there is no possibility of developing a dependable domestic supply even if all imports from foreign countries were prohibited by an excessive duty. If Florida and Texas are unable to supply the eastern markets in a dependable way, it is obvious that far-western markets could not hope to secure domestic tomatoes except at prices prohibitive to a great majority of our consumers."

From the San Francisco Housewives League:

"* * * Product properly regarded as necessity for all American markets leading other vegetables as source of vitamins, recognized as appetizer therefore not decreasing consumption of other foods. Without Mexican source of supply San Francisco markets will be deprived of this important product except as expensive luxury during at least four months of each year."

The foregoing quotations typify the attitude of the consumers of the West.

The West Coast Vegetable Association does not contend that the Mexican fresh tomatoes can be delivered to New York and other eastern markets any more economically than can Florida tomatoes be delivered to San Francisco, Los Angeles, and Portland. A prohibitive tariff which would limit or restrict for several months each year the fresh-tomato consumption to the frequently inadequate and very undependable fresh-tomato supply which might be shipped from Florida to the western markets would be a gross injustice to the western consumers. Many thousands of families who are now using fresh tomatoes more or less regularly throughout the year would be absolutely deprived of them by the new retail price levels which would be created by an increased tariff.

PRODUCTION COSTS FOR MEXICO PROVED HIGHER THAN IN THE UNITED STATES

The investigations of the United States Tariff Commission as set forth in detail in its preliminary statement on fresh tomatoes dated May 22, 1928, have shown that the cost of growing, transporting, and selling Mexican tomatoes greatly exceeds similar costs for domestic tomatoes. The tables presented in this preliminary statement of the Tariff Commission have been used as a basis for the tables which are incorporated in this brief as Exhibits 10, 11, 12, and 13.

Exhibit 10 shows farm production costs per hundred pounds of tomatoes on the basis of simple averages for two seasons, 1925–26 and 1926–27, as $4.33 for Mexico, as compared with $3.60 average for Florida east coast, Florida west coast, and south Texas. The packing and selling costs for Mexico as given in Exhibit 12 were $1.91 per hundred pounds, as compared with $1.81 for three American districts. Expressed in percentages, the total cost of delivering tomatoes in the New York market from the Mexican west coast was found to be 28.3 per cent greater than the average for the three American districts, while in Chicago the cost for Mexican tomatoes was 24.1 per cent greater than the average of the three American districts as shown by Exhibit 14. This exhibit also shows that if fresh tomatoes were admitted duty free, the American producers shipping during the periods when the imports are arriving would still have a cost advantage in the New York market of 21.4 per cent and in the Chicago market of 20.1 per cent.

MEXICAN WEST COAST TOMATO INDUSTRY VIRTUALLY AN AMERICAN ENTERPRISE

As was shown at the hearing of the United States Tariff Commission in June, 1928, by many witnesses, the Mexican west coast tomato industry is virtually an American enterprise in its origin and present maintenance. A prohibitive tariff ruining this industry of such importance which supplies the demands of the consumers of the United States, as already shown, would be as unjust as the deliberate destruction of any other legitimate industry by any form of legislation. According to careful and repeated estimates made during the last few years, about 90 per cent of the capital used in financing the fresh-tomato industry on the west coast of Mexico is from American sources located in many sections of the United States.

As a matter of fact, a large percentage of the gross receipts of the Mexican tomato crop in the American market remains in this country for packing materials, transportation, commissions, and other expenses, while other large sums go to pay salaries and rentals to American citizens and landowners who are interested in the fresh-tomato industry in Mexico. Exhibit 15 shows a partial analysis of expenditures in connection with the Mexican west coast fresh-tomato crop for the season 1927–28 of a total of $5,232,300, being shown as distinctly American expenditures out of a gross market value of $6,098,000. Many important items for which there is no satisfactory basis for an estimate are known to have been omitted from this list. On the other hand, anyone who has even a superficial knowledge of conditions on the west coast of Mexico is aware of the fact that that portion of the gross value of the Mexican tomato crop which finds its way across the international line into Mexico sooner or later is returned to a large extent to the United States in the purchase of automobiles and other manufactured articles and even farm products, such as cheese, eggs, potatoes, and fruits.

In considering the question of the tariff rate which can reasonably be applied to fresh tomatoes from Mexico with fairness to other American agricultural interests concerned, it is important that due weight be given to the fact that Mexico is not only one of the best customers for American manufactured goods of all kinds, but is notable for its importation of food products from the United States. It is appropriate that this point be also considered in connection with Cuba. There is submitted herewith, as Exhibit 16, an extract from a table published in the 1927 Yearbook of the United States Department of Agriculture in which is given statistics on the principal agricultural exports from the United States to both Mexico and Cuba. A casual glance at this table shows the very widespread interest of American farmers in trade with these two countries. Among the more noteworthy exports are eggs, dairy products, meats, lards, and oils. It is especially interesting to note the large quantities of such products as potatoes, corn, and fruits which are recorded among these exports from the American farms.

Incidentally, it is of interest to note here that in the lower Rio Grande Valley of Texas, a section from which a demand is being made for a prohibitive tariff on Mexican tomatoes, a poultry association is being organized with the special object in view of participating in the business of supplying Mexico's annual demand for several million dozen

eggs from this country. No doubt the majority of the poultry owners in this same district are also growers of tomatoes and other vegetables.

The importance of the Mexican west coast fresh-tomato industry in maintaining and stimulating trade relations between Mexico and the United States is duly appreciated in the border States of Texas, Arizona, and California. Chambers of commerce of Los Angeles, Yuma, Phoenix, Tucson, Nogales, Douglas, El Paso, and San Antonio have all passed resolutions strongly protesting against a higher duty on fresh tomatoes, or have authorized their representatives to speak in their behalf.

It should not be overlooked in considering foreign trade that American farmers have an interest in every article of manufactured goods exported from this country. It has been estimated by American railroads that 43 cents of each dollar of income is expended for labor. It has been estimated by the National Industrial Conference Board that wage earners in the United States spend 41.2 per cent of their wages for food. No doubt at least 95 per cent of the food expenditures are for American products. On the above basis it may be estimated that approximately 17 per cent of each dollar of factory value of manufactured goods goes immediately for the purchase of food produced on American farms. Aside from the food products exported to Mexico which have been mentioned, the United States exports to Mexico a large volume of highly manufactured goods, and in importing from Mexico a large volume of raw materials such as mineral products, the American farmer has the decided advantage in commerce of this kind. Data on trade with Mexico are readily available in the reports of the Department of Commerce, and it is unnecessary to go into this matter in more detail in this connection.

Trade relations affecting American farmers duly and fairly considered, it is evident that American farmers as a whole are not injured by the importations from Mexico of fresh tomatoes during the period when American producers can not supply the demand in a satisfactory manner.

INJURIOUS COMPETITION AN INSIGNIFICANT FACTOR IN THE FRESH-TOMATO TARIFF SITUATION

There have already been considered the relative dependableness of sources of supply of fresh tomatoes, the economic practicability of any one district being given a monopoly regardless of its climatic and geographic disadvantages, the question of the costs of production, and the commercial relations as the leading factors which should be considered in connection with the tariff on fresh tomatoes. The question of competition, as will be shown, is one which is of very minor importance as compared with any of the foregoing considerations.

For the ready understanding of the situation with reference to available supplies during the period from December to May, inclusive, reference is again made to Exhibits 7, 8, and 9 of this brief.

Considering the total car-lot movement of tomatoes in the United States on the basis of calendar years, it should be noted that the imports constitute approximately 15 per cent of the total car-lot movement. During the months of July, August, and September the American markets are supplied for the most part by the large quantities of tomatoes transported by trucks, which do not appear in the records of car-lot shipments. Furthermore, the records of the Bureau of Agricultural Economics, United States Department of Agriculture, show a movement classed as mixed vegetables, which in 1927 totaled 35,044 cars, as compared with a total of 38,777 cars of tomatoes. There is no information as to the proportion of this total car-lot movement classified as mixed vegetables which should be counted as tomatoes. The imports of vegetables classified as mixed vegetables for 1927 was relatively small, totaling only 301 cars. Considering the incompleteness of the data as to the consumption of domestic tomatoes in the United States, it seems reasonable to assume that the imports represent less than 5 per cent of such consumption. There is presented herewith as Exhibit 17 a chart showing graphically the relative volumes of imported and domestic tomatoes entering into car-lot movements in the United States.

A study of the statistics on the fresh-tomato supply in the United States shows the extent of the shortage in the total supply for the months of November to May, inclusive. It may be considered that the month of June represents a fair average, although this late in the season tomatoes on the average market are shipped from such distances with consequent shringages that prices are not within the reach of the poorer classes. Figuring the normal consumption for the seven months at the same rate on the basis of the averages for the years 1924 to 1927, inclusive, the markets of the United States should have a total of nearly 45,000 cars for this period. Instead of this, however, the total supply amounts to only slightly over 14,000 cars, of which 9,171 are of domestic origin and 4,058 are imports. The total supply therefore is less than 20 per cent of the normal demand. (Refer to Exhibit 18.)

The total supply of fresh tomatoes available for consumption in the United States for the months of December to April, inclusive, is extremely small when figured on the basis of tomatoes available per capita of population for four seasons, 1924–25 to 1927–28, inclusive. The total number of tomatoes available would provide only one tomato of medium size per day for each 49.3 persons of our population. For the month of December the average supply would provide only one tomato for each 110.7 persons of our population. The supply gradually improves from month to month thereafter until April, when the total supply would provide one tomato to each 13.6 persons of our population. For comparison with this it has been calculated that the average supply for the month of June provides one tomato for each 7.7 persons of our population. (Exhibits 19 and 20.)

A study of the statistics on the acreage for use as fresh tomatoes in the United States does not show the effects of any injurious competition from foreign sources. The average acreage for the two calendar years 1922 and 1923 was 117,440, as compared with an average of 143,900 for the calendar years 1927 and 1928. The Florida east coast district has fluctuated in acreage planted to fresh tomatoes, apparently due to climatic limitations, varying from 9,000 to 11,825 acres for the past six seasons, with the exception of the season of 1925–26 when the acreage planted was reduced to 4,360. The Florida west coast district, on the other hand, has varied very little in the acreage planted from year to year during the same period. South Texas, which is one of the districts asking for a prohibitive tariff, has shown a gradual increase in acreage for the past six seasons from 3,890 acres in 1922–23 to 9,330 acres in 1927–28. With further reference to the fact that the Florida east coast and the Florida west coast have not shown any increase in acreage, it is of importance to note that north central Florida, which is not even remotely affected by fresh-tomato importations, has shown a gradual decline from 15,755 acres for the 1923–24 season to 3,850 acres for the 1926–27 season.

The Mexican west coast has shown an increase in acreage resulting from the demands of the American markets during the periods when the American producers were not supplying the markets in an adequate or dependable way. Figures have already been submitted to show the insignificant quantity of tomatoes from all sources consumed in the United States for the months of December to April, inclusive. The peak planting of tomatoes on the Mexican west coast occurred in the season 1926–27 when there were reported 47,270 acres. This was followed by a decline for the season 1927–28, when the planting record shows 43,784 acres. The total production for the season 1926–27 was 111,096,000 pounds as compared with 95,280,000 pounds for the season 1927–28.

The prices received for the best Florida tomatoes in the American markets decline as a rule in April and May, at a period when the imports are disappearing from the American markets. Based on averages for April and May, 1927 and 1928, a study of the price records in New York show that for the month of April when there was an average of 1,325 cars of Mexican tomatoes on the American markets, the price for the best Florida tomatoes averaged $3.27, whereas, for the month of May, when there was an average of 293 cars of Mexican tomatoes on the American markets, the average for the best Florida tomatoes declined to $3.08. (Exhibit 21.)

The record of unloads of carload lots of fresh tomatoes in some of the leading markets of the East, Middle West, and West, shows that during April, May, and June, as the American producing centers reach the seasons when they are able to supply the market demands in a reasonable way, the imported tomatoes gradually relinquish the different markets until they are entirely withdrawn. Exhibit 22, which is filed herewith, shows that an eastern group of markets consisting of Boston, New York, and Philadelphia were supplied from domestic sources in 1926–27 for the month of April to the extent of 78.3 per cent, for the month of May to the extent of 93.1 per cent, and for the month of June to the extent of 98.8 per cent. In the Middle West and West the records show that the markets are more dependent upon imports for the months of April and May, while for the month of June the tomato supply is practically 100 per cent from domestic sources.

Notwithstanding the prevalent idea among American agricultural interests, the so-called cheap labor of Mexico is of no advantage to the producers of fresh tomatoes in that country. The economy in the matter of labor is dependent upon the question of efficiency of that labor rather than upon the question of the man-day expense. The more successful growers in Mexico find it necessary to use expensive American machinery and implements in order to overcome the labor disadvantages under which they operate in that country.

There are absolutely no advantages, bonuses, or rebates enjoyed by the producers of fresh tomatoes in Mexico.

The business of growing fresh tomatoes on the west coast of Mexico has afforded a reasonable margin of profit to the growers during the existence of this industry.

A thorough consideration of all phases of the early fresh tomato industry leads to the conclusion that the difficulties which have aroused the growers of Florida to their present opposition to imported tomatoes do not arise primarily from injurious foreign competition in the American markets but that they are difficulties arising from the natural climatic limitations and disadvantages of the American districts concerned and also from their geographic location, which makes it impracticable for the entire country to be dependent upon them as a source of supply in any month in the year.

PROTESTS AGAINST ANY INCREASE IN TARIFF ON FRESH TOMATOES

At the hearing on fresh tomatoes before the United States Tariff Commission in June, 1928, protests against any increase in the tariff were submitted from the following:

Nogales Chamber of Commerce; Tucson Chamber of Commerce; Phoenix Chamber of Commerce; Yuma Chamber of Commerce; Los Angeles Chamber of Commerce; San Francisco Housewives League; Associated Produce Dealers and Brokers of Los Angeles; Foreign Trade Club of Southern California; Produce Dealers of San Francisco; Crown Willamette Paper Co., San Francisco; National Association of Wooden Box Manufacturers, Chicago; Growers' Mercantile & Supply Co., Nogales; Joseph A. Cumming y Cia, Nogales; A. A. Burnand, Nogales; Tomato Importers of New York City; J. Hamburger Co., New York City; Thurston Fruit Co., New York City; Arizona Wholesale Produce Association; H. P. Henry & Co., Detroit; Texas Wholesale Fruit and Vegetable Dealers' Association; Philadelphia Perishable Carlot Receivers' Association; George Hitz & Co., Indianapolis; Fry Brokerage Co., Chicago; Shafton Co., Chicago; Forest City Produce Co., Cleveland; Frank A. Crossley, Providence; Hannaford Bros. Co., Portland, Me.; Schwartz & Lepovetsky Co., Springfield, Mass.; Independent Brokerage Co. (Inc.), Seattle; Crenshaw & Boxom, Seattle; Henry J. Perkins Co., Springfield, Mass.; S. Landow & Co. (Inc.), New Haven; South Water Traffic Association, Chicago; C. W. Chamberlain & Co., Seattle; Fruit and Produce Dealers' Club, Kansas City, Mo.; Ryan Fruit Co., Seattle; Detroit Tomato Co., Detroit; Detroit Produce Association, Detroit; Bloom Co., Detroit; Frank Deviso, Buffalo; Altman & Swartz, Buffalo; Joseph Rothenberg, Buffalo; Harry Altman, Buffalo; A. & G. Produce Co., Buffalo; Pioneer Fruit Co., Seattle; C. L. Dierks Co., Toledo; Sawyer & Day, Boston; G. Angelo Fruit Co., Boston; Lowell Bros. & Bailey Co., Boston; M. Murmes, Boston; A. Scalia Co., Boston; Gustin & Saunders Co., Boston; Harvey Produce Co., Boston; George O. Gustin, Boston; H. E. Gustin Sons, Boston; P. D. Cecca & Co., Boston.

DISCUSSION OF CONTENTIONS MADE AT UNITED STATES TARIFF COMMISSION HEARING

At the hearing before the United States Tariff Commission in June, 1928, on the subject of fresh tomatoes, the investigations of the Tariff Commission as reported in the preliminary statement of May 22, 1928, were attacked by the representatives of vegetable interests of Florida in a number of particulars. Several claims were put forth which will be answered at this time.

The applicants before the Tariff Commission representing Florida vegetable interests contended the cost figures arrived at by the investigators of the Tariff Commission were not representative as regards the individual growers in Florida, from whom records were obtained. They contended that the records were obtained from the most progressive growers, whose production would be more economical than the average, and, therefore, that the cost figures for the Florida areas were, in fact, higher than this group from which the Tariff Commission's figures were secured. The lack of foundation for such a contention is clearly shown in Tables 18 and 19 of the preliminary statement of the Tariff Commission. In Table 18 it appears that the Florida east coast group, from whom records were secured for two seasons, averaged approximately 13 per cent less than the average production per acre for the entire area. It should be noted further that the weighted average production for the entire group, including Florida east coast, Florida west coast, and south Texas, is about 17½ per cent less than the weighted average for all growers in the districts mentioned. On the other hand, the Mexican group of farmers from whom records were obtained by the Tariff Commission's investigators were only 5 per cent below the average production for all farms in the district. On the basis of available information, therefore, there is a more reasonable basis for the assumption that the actual average production cost for the American area is less than estimated in the figures of the Tariff Commission rather than more, as contended by the representatives of the Florida interests.

An extensive argument was presented on behalf of the Florida interests intending to prove that the areas selected by the investigators of the Tariff Commission in Mexico were not representative areas and that other areas in Mexico should have been considered. As a matter of fact, the inclusion of these other areas would have tended to increase the costs of production as ascertained by the investigators of the Tariff Commission.

It was contended by representatives of Florida tomato growers that the cost of production per hundred pounds in the Mexican west coast region was unduly high because of the fact that the greater part of the tomatoes grown during the years 1925–26 and 1926–27 covered by the investigation, were of the Globe variety rather than of the Marglobe variety. The fruit of the latter variety possesses a very high degree of immunity to nailhead disease which is sometimes an important factor in the production per acre in certain districts of the Mexican west coast. According to statements made by representatives of the three American districts, the Marglobe variety has been substituted for the Globe almost entirely on the Florida east coast while on the Florida west coast there is still a large percentage of Globe tomatoes. In the south Texas area, the percentage of Marglobe tomatoes is still smaller than in the Florida west coast district. It is worthy of note that the figures by the investigators of the Tariff Commission presented in Table K of their preliminary statement, shows a total gross farm cost on the Florida east coast where the Marglobe variety has been so generally adopted of $3.542 per 100 pounds, whereas on the west coast of Florida, the cost per 100 pounds as the average of the two seasons, was only $2.92, and in the south Texas district the cost per 100 pounds was $3.194. In other words, the cost figures given in Table K show that the highest cost was where the Marglobe variety predominated. This fact is not pointed out as evidence that it cost more per 100 pounds to produce Marglobe tomatoes but as an illustration of the fact that the variety is not necessarily a factor which governs the cost of production.

It was pointed out by representatives of Mexican west coast interests that while the Marglobe variety has been found to possess a high degree of immunity to nailhead disease, it is the fruit only which shows this immunity. In one of the most careful experiments, the vines of the Marglobe variety were more severely injured by the nailhead fungus than were the vines of the Globe variety. When weather conditions are favorable for the development of nailhead fungus, the vine itself will soon die, and immunity on the part of the fruit is of very little advantage under such conditions. On the other hand, in districts where the nailhead fungus is less prevalent or in districts of the Mexican west coast when climatic conditions are not favorable for the development of fungus, the Globe tomatoes are considered as more satisfactory both from the growers' and shippers' standpoint. The shippers of Mexican west coast tomatoes have frequent market reports of the Marglobe variety "ripening soft," and under favorable conditions the Globe variety will usually bring a considerably higher price.

A third variety of tomato known as the Marvelosa has been proved by experimental work on the Mexican west coast to be immune to nailhead disease to an even higher degree than is the Marglobe variety. This variety has certain objectionable features, however, but serves to illustrate the fact that immunity to the nailhead disease is not necessarily the factor which must decide the question of the variety to be selected.

The tomato growers on the Mexican west coast are as progressive as the tomato growers in the American districts under discussion, and efforts are being made to reduce the cost of production. It must be admitted that every winter-vegetable-growing section is subject to hazards of one kind or another which tend to increase the cost of production as compared with the cost for the later districts. It has been the experience on the Mexican west coast—and it is believed that this is the experience common to fruit and vegetable growing districts everywhere—that when one problem is solved there is another problem or combination of problems equally serious to take its place. A good example of this is the heavy loss experienced this present season by the Florida east coast growers due to Phoma rot. This fungus disease develops in transit and, according to receivers in eastern markets, has been largely responsible for the low prices paid for Florida tomatoes. Everything considered, it is unreasonable to believe from past history of conditions on the Mexican west coast that the reduction in the nailhead damage by the use of the Marglobe variety will materially affect production costs.

The representatives of the Florida tomato interests claim that the two years covered by the investigations of the Tariff Commission were not representative years and that the season of 1927–28 should be included. It was pointed out that the cost of production for 1927–28 as the result of a frost damage in Florida was unusually high for the season of 1927–28. The representatives of the Mexican west coast industry were satisfied with the fairness of the commission's cost inquiry to all concerned, but they also pointed out that the losses in Mexico were much heavier than usual as a result of an unseasonal rainfall and floods. From this it would appear that with low average yields and a corresponding high cost of production in both Florida east coast and in Mexican west coast districts, it would be of little advantage to consider the season of 1927–28, in addition to the two seasons studied, in such detail by the investigators of the Tariff Commission.

It may be pointed out at this place that Florida tomato growers have an opportunity to reduce their packing costs by adopting the lug in the place of the 6-basket crate which has for years been their standard package for tomatoes. The absurdity of the claims emphasized by representatives of the Florida east coast interests in regard to their unlimited opportunities for expansion of tomato plantings to take care of the market requirements under a prohibitive tariff is clearly shown by Exhibit 23. This chart shows how the proposed cure for the ills of the Florida tomato growers would be much worse than the disease. In the first place, the individual growers on the Florida east coast could not in the long run benefit from any attempt to utilize the millions of acres of land mentioned by the representatives of the Florida tomato growers for the expansion of the tomato business, and if such unwarranted development were to be attempted under the climatic limitations, it is evident that Florida west coast and south Texas would be ruined as tomato-growing districts by the overlapping of the Florida east coast shipping season. In this connection, Mr. H. T. Bennett, secretary and business manager of the Manatee County Growers' Association, Bradentown, Fla., as reported on page 84 of the stenographic minutes of the hearing before the United States Tariff Commission on June 25, 1928, when asked whether the imposition of a tariff with the

resulting increase of acreage on the east coast of Florida would not mean far greater interference with the Florida west coast crop than it is now receiving from Cuba, the Bahamas, and Mexico, answered in the affirmative.

One of the subjects introduced in the hearing before the Tariff Commission by the representatives of the domestic producers was that of "Americanism." Under the existing conditions the suggested program of a prohibitive tariff on fresh tomatoes is equivalent to demanding that one American industry be benefited at the expense of the destruction of another American industry. Refer to Exhibit 24, being a copy of a petition signed by 27 American citizens, residents of Fuerte Valley, State of Sinaloa, Mexico, all of whom are growers of fresh tomatoes, asking for a reduction in the existing tariff rate on fresh tomatoes, such petition having been submitted to the United States Tariff Commission at its hearing on June 27, 1928. It should also be considered in this connection that to destroy the fresh-tomato industry on the west coast of Mexico would also result in depriving American manufacturers of various goods of a lucrative market for their product. In addition to the American manufacturers who would be injured in this manner, American agricultural interests would likewise also be injured to a corresponding degree.

It has been shown in this brief that fresh tomatoes are generally recognized as vital to the health of our population and that there is no dependable American supply for the American markets during the months from December to April, inclusive; that it is impracticable to supply the markets of the entire country from domestic sources during the period mentioned; that the production costs for the fresh-tomato industry in Mexico, the principal competing country, have been proven to be much higher than the production costs in the areas of the United States producing during the same period; that even with the elimination of the present import duty of one-half cent per pound, the greater cost of production in Mexico affords adequate protection to American tomato growers; that the fresh-tomato industry in Mexico is virtually an American enterprise involving American investments and trade relations which under present conditions inure to the great advantage of American manufacturers and of American agricultural interests; that injurious competition in the American markets between the domestic product and the imported product is an insignificant factor in considering the fresh-tomato tariff; that various protests representing consuming interests throughout the United States have been made of record against any increase in the existing tariff on fresh tomatoes; that the main contentions made on behalf of the domestic producers at the hearing before the United States Tariff Commission in June, 1928, are unfounded and are not justified by the preliminary statement of the investigators of the Tariff Commission, but on the contrary reflect in an unfair manner upon the work of the investigators of the commission.

Wherefore, all the premises considered, it is respectfully urged that paragraph 770 of the tariff act of 1922 be revised by amending it as herein requested so that fresh tomatoes shall be exempt from duty for the period from December 1 to May 1.

Respectfully submitted.

WEST COAST VEGETABLE ASSOCIATION,
By A. W. MORRILL, *Agricultural Adviser.*

WASHINGTON, D. C., *February 14, 1929.*

Hon. WILLIS C. HAWLEY,
Chairman House Ways and Means Committee,
House Office Building, Washington, D. C.

Re West Coast Vegetable Association:

DEAR SIR: We are in receipt of the following telegram under date of February 7, 1929, from the West Coast Vegetable Association of Nogales, Ariz.:

"We have received advice from Culiacan that President Portes Gil has wired stating that a resolution has been dictated applying the special export duty on tomatoes that are of inferior quality. This means that all cars of tomatoes of inferior quality will have to pay the special export duty before they can leave Mexico. In our opinion this will make prohibitive the exportation of tomatoes not making certain standard and believe will result in very marked advantage to consuming public, and should be of value in stabilizing the business and reducing Mexican competition with Florida."

We request that this telegram be included in the record of tariff hearings.

Very truly yours,

COLLODAY, CLIFFORD & PETTUS,
By EDWARD CLIFFORD.

BRIEF OF THE ASSOCIATED PRODUCE DEALERS AND BROKERS OF LOS ANGELES, CALIF.

JANUARY 16, 1929.

WAYS AND MEANS COMMITTEE,
House of Representatives.

GENTLEMEN: The Associated Produce Dealers and Brokers of Los Angeles, comprising the majority of the wholesale receivers of fruits and vegetables, desire to place before you for due consideration in connection with the question of tariff on fresh vegetables this statement and petition in behalf of the produce trade of Los Angeles, Calif.

1. We believe that the vegetable trade and consumers of the far Western States are entitled to a continuous supply of fresh vegetables throughout the year with as much dependability and at prices as reasonable as possible.

2. The present supply of tomatoes in Los Angeles markets during the months from November to May is such that the retail price is frequently beyond the reach of the average consumer. A similar situation exists with certain other fresh vegetables, but for different periods. During these periods Mexico is the only source of commercial supplies for the territory west of the Rocky Mountains.

3. Statistics show conclusively that no district of the United States can supply the American markets with fresh tomatoes in a dependable way during the months of December to April, inclusive, with peas during the period from December 1 to March 30, and with peppers during the period from December 15 to March 30.

4. Those producing interests demanding an increase in the duty on fresh vegetables propose in effect that the needs of the consumers throughout the United States, and particularly those of the western portion, be ignored by Congress in the revision of the tariff law.

5. All early tomato growing districts are subject to hazards of frost, excessive rains, droughts, and unusual insect pest and plant disease damage. For this reason it is highly desirable that several sources of supply of fresh tomatoes and other vegetables be available during the months when the supply is short. The west coast of Mexico is a much more reliable source of supply of fresh tomatoes during the months from December to April, inclusive, than is any American district, and acts as a stabilizer of the tomato trade in the entire United States during these months as well as the sole source of supply for the Western States.

6. We are informed that the results of the investigations conducted by the Tariff Commission have shown conclusively that the cost of tomatoes on the farms in the west coast of Mexico, as well as delivered in Chicago and New York, is far greater than the same costs for Florida tomatoes, and it is believed that similar conditions exist in regard to other fresh vegetables, automatically and naturally acting to protect American producers when they can supply the markets in a dependable way.

7. In consideration of the commercial relations built up and maintained between fresh vegetable producing sections of Mexico and the United States almost entirely due to this industry, and the large excess of noncompetitive agricultural products shipped to Mexico from the United States it is evident that American agricultural interests as a whole are benefited rather than injured by the Mexican fresh vegetable growing and shipping business.

8. In view of the foregoing conditions the Associated Produce Dealers and Brokers of Los Angeles hereby respectfully petition the Congress of the United States to make no change in the present tariffs on perishable fresh vegetables, particularly tomatoes, peppers, and peas, as we are fully convinced that the American producers of vegetables during the winter months are fully protected by present tariff schedules, and that the best interests in the country as a whole, and particularly of the Western States, will be served by leaving such schedules unchanged.

ASSOCIATED PRODUCE DEALERS AND BROKERS OF LOS ANGELES,
Per HOMER A. HARRIS, *Secretary-Manager.*

QUOTATIONS FROM THE PRODUCE NEWS OF FEBRUARY 9, 1929, FROM CORRESPONDENT AT HOMESTEAD, FLA., EXPLAINING WHY TOMATOES WERE "ROTTING IN THE FIELDS" AS REPORTED BY MR. L. L. CHANDLER

"Manager J. S. Horton, of the Rutledges Packing Co., says that the market will be more materially affected by the better grade of Florida tomatoes now coming on than by the Mexican freeze. 'We look for a healthy market as our new stock comes in. The early fruit has run more to choice and second grade and has been small and soft, not round and hard like the Marglobe variety that is coming on the market now. The demand seems to be a little better and when we get good qualities we will get a fair price.'

"C. W. Little, of the Royal Palm Truckers, reports that growers are optimistic and that crops are showing up well. So long as the extreme cold weather continues in the North they do not expect much demand for tomatoes, but the market will pick up, they believe, with milder weather. 'Our farmers tried to hurry their crop this year by exceptionally early planting,' he said, 'and the quality seems to have suffered. After all, our tomato season in former years did not really begin until the middle of February, nor did it get going well until the middle of March. Growing conditions evidently are not right for such early planting. The wet and cold weather does not develop the best fruit.'

"Hardy & Gentile have been the heaviest shippers recently, having sent out 10 cars during the past week. Better fruit is now beginning to arrive, they report. The Homestead Growers' Association has shipped two cars and expects to increase its shipments this week. The move-

ment in all houses has been at the lowest ebb since the first of the year. Two canneries are in operation, one here and one at Florida City; these are making use of the fruit not worth shipping."

WHY SAN ANTONIO WAS SHORT ON TOMATOES WHEN FLORIDA HAD THEM "ROTTING IN THE FIELDS" DUE TO "COMPETITION"

MIAMI, FLA., *March 13, 1929.*

R. E. WILSON CO.,
San Antonio, Tex.

GENTLEMEN: Confirming our wire of the 12th instant: The quality of our tomatoes is very ordinary, most markets reporting the stock arriving with the "ripes" somewhat soft. It is our opinion that the present shipments will arrive in about the same condition; consequently, we did not feel warranted in quoting you as you had specified that you wanted best quality.

For your information will state that our crops here are extremely short, due probably to the warm, dry weather we have had most of this season. From present indications the crop in this section will wind up very shortly, probably within four weeks. The peak of the movement has already been reached; consequently, prices are certain to advance even on this ordinary to poor quality.

It is barely possible that a few of the later crops, which will come in during the next two weeks, will show improved quality. If this proves to be the case, we will wire you promptly, as we would like very much to handle a portion of your business.

Thanking you very much for the inquiry, and regretting our inability to quote you at present, I beg to remain,

Yours very truly,

ROBERT O. APPLEGATE, Jr.

STATEMENT OF SAWYER & DAY (INC), OF BOSTON, DATED MARCH 8, 1929

(NOTE.—The firm of Sawyer & Day (Inc.) is the largest tomato receiving and repacking concern in New England.)

QUALITY OF FALL AND WINTER TOMATO SUPPLIES

It is well known to the vegetable trade in the East that California and Texas tomatoes which were on the market in November and December were of inferior quality, and that they were in such volume as to depress the market.

When the Cubans and Nassaus began to arrive they were of better quality and brought better prices, but the movement of American-grown inferior tomatoes at that season held down the market prices. Mexican tomatoes began to arrive in small quantities late in December and averaged much better quality than the Florida tomatoes. Government market reports show that instead of Mexican tomatoes underselling Floridas the comparable grades of Mexican tomatoes have been selling for more per pound; for example, in Boston the Government report shows for February 20, $2.50 paid for Florida 6's choice, which is 6.25 cents per pound, whereas Mexican tomatoes in original lugs were quoted at $2.25 to $2.50, which at 30 pounds per lug represents 7.5 to 8.3 cents per pound. On February 21 the Government reports show Florida tomatoes selling at from 5 to 6.2 cents per pound, whereas Mexicans were selling at from 6.6 cents to 7.5 cents per pound.

EXPLANATION OF INFERIOR QUALITY FLORIDA TOMATOES

In corroboration of the above figures, which are representative and indicate the difference in quality of the Florida and Mexican tomatoes in the Massachusetts market, we note in the Produce News of February 9 quotations from several shippers in a news item dated at Homestead, Fla., February 8. We are inclosing a portion of this article quoting from three of the heaviest shippers, which explains why Florida tomatoes have been rotting in the fields. Please note particularly the statement of C. W. Little, of the Royal Palm Truckers, as follows:

"Our farmers tried to hurry their crop this year by exceptionally early planting and the quality seems to have suffered. After all our tomato season in former years did not really begin until the middle of February, nor did it get going well until the middle of March. Growing conditions evidently are not right for such early planting. The wet and cold weather does not develop the best fruit."

HIGHER TARIFF PROBABLY INJURIOUS TO FLORIDA TOMATO INDUSTRY

We believe that if by reason of a prohibitive tariff on tomatoes, for which, we understand, the Florida tomato growers are asking, they were to grow and ship a larger volume of inferior fruit during December, January, and February in the attempt to supply the normal market demands there would be a depreciation in the price which would seriously hurt the Florida growers who are attempting to grow tomatoes during the season when their climatic conditions are more suitable. In other words, a higher duty encouraging a larger production of inferior tomatoes in Florida during December, January, and February would probably hurt the Florida tomato industry as much as it could possibly be benefited by the elimination of the imports of tomatoes by a tariff embargo.

HOTHOUSE TOMATO GROWERS SUFFER COMPETITION WITH FLORIDA PRODUCT RATHER THAN WITH IMPORTS

We understand that a representative of Massachusetts hothouse interests appeared before the Ways and Means Committee complaining against injurious competition from imported tomatoes. In this connection we wish to corroborate the testimony of the representative of the Mexican west coast vegetable industry to the effect that hothouse tomatoes can not be grown and sold profitably at a price which will meet the requirements of the average consumer. If it were possible to limit the supplies of hothouse tomatoes, the demand for these tomatoes would not increase very much simply because the necessary price would limit the consumption. Furthermore, if the contentions of the Florida growers were correct and the production of Florida tomatoes were to be increased to take care of the demand of the field-grown tomatoes during the winter and spring months there would be just as many of these tomatoes on the markets for the average consumer as under present conditions.

Another phase of the situation is this: A certain percentage of Florida tomatoes reach the Boston markets in a condition which permits them to be repacked in fancy packages and sold in direct competition with the hothouse-grown tomatoes. Tomatoes picked in exactly the same stage of maturity in Mexico and shipped to Boston would be overripe on reaching destination, and they do not directly compete with the home-grown hothouse tomatoes even when the average quality of the Mexican tomatoes is better than the average quality of the Florida tomatoes. The wide variation from year to year in the output of Florida tomatoes due to climatic conditions would certainly injure Massachusetts hothouse interests more than a fairly stabilized market, which exists under present conditions with tomato supplies arriving from different sources.

TOMATO REPACKERS DEPENDENT ON IMPORTS FOR STABILIZING THE SUPPLIES

The repacking of tomatoes shipped from long distances—Florida, Texas, California, Mexico, Cuba, and Nassau—is an important industry in connection with the trade. The repackers have been a big factor in developing the market for tomatoes, since the retailers can depend on the repacked stock when they hesitate to take a chance with original containers whether from domestic or foreign sources. The repackers can work most effectively when they have a fairly dependable supply of tomatoes, and if they were dependent upon Florida most of them would be unable to operate during December, January, and February, and they would not be in as good a position to take care of the larger supplies from Florida during April and May as they are under present conditions.

EXTRACT FROM STATEMENT BY THE SHAFTON CO., WHOLESALE FRUIT AND VEGETABLES, CHICAGO, DATED MARCH 30, 1929

"The importation of commodities from Mexico during the past two or three weeks has been somewhat affected by the revolution, tomatoes especially. It has resulted in a demand for tomatoes which can not be supplied. The demand has been so great that the price that could be obtained has been secondary to being able to supply them at all. The ruling price on this market has risen to around $4.25 to $4.50 per lug. Higher prices could probably be maintained were it not for the feeling of the large dealers that it is best for all concerned that the price be kept within bounds, if possible. All public-spirited merchants and others are interested in having a commodity of such importance as tomatoes supplied to the public, both the rich and the poor, at a price that is not prohibitive. Even outside of public spiritedness it would be unsound economics to conduct business otherwise.

"It is our opinion that any measures adversely affecting the supply of this basic commodity to such an extent that it threatens to deprive anyone from being supplied at a reasonable price should have the careful attention of each and every one of our lawmakers; not only to the extent of opposing any measures that may be proposed for the benefit of a few but their attention should also be directed to investigate the possibilities of reducing any cost which has heretofore tended to make this commodity expensive. Being large handlers of this commodity for many years seems to place us in a position to judge the situation with respect to this commodity even better than statistics which may be compiled would reflect. There is such a thing as having one's finger upon the pulse of a situation which in a great many instances reflect the situation more accurately than statistics. Personally, we generally favor a protective tariff, where it is for a cosmopolitan good in effecting higher standards of living, and we shall always support the Floridians and any other of our own people in any move that in our opinion, has a chance of being developed unselfishly and along lines of sound economics; but we are of the opinion that this move for an increased tariff on the importation of Mexican tomatoes instigated by the Florida growers is not exactly unselfish. The remedy for their difficulties is more production of a better quality and not legislation. They have tried the production of quality tomatoes for years and have failed, the reason being that climatic conditions would not permit."

EXTRACT FROM LETTER BY FRY BROKERAGE CO., DISTRIBUTORS OF FRUIT AND VEGETABLE PRODUCTS, CHICAGO, DATED MARCH 18, 1929

One of our local papers published an editorial stating that the price on Florida tomatoes advanced sharply, due to the fact that Mexican shipments were suspended, and drawing the conclusion therefrom that a

high tariff on tomatoes would entirely take care of the Florida vegetable situation. As a matter of fact, while the price on Mexican tomatoes has advanced from $2.50 to $4.25, the price of Florida tomatoes during the same period changed very little if at all. The quality is so poor the trade simply will not pay much for them, and we can say for a fact that very few Floridas sold at $4 here, most of them selling at $2 or less.

LOS ANGELES CHAMBER OF COMMERCE AND THE TOMATO TARIFF

There has been so much misrepresentation and intentional misunderstanding of the attitude of the Los Angeles Chamber of Commerce on the subject of the tomato tariff that a statement of the facts is called for.

The Los Angeles Chamber of Commerce went on record in favor of a seasonal tariff on tomatoes prior to the enactment of the tariff act of 1922. In June, 1928, after the United States Tariff Commission had issued its preliminary report of cost inquiry on the subject, the chamber filed resolutions at the hearing before the commission opposing any increase in the tariff on fresh tomatoes, with full explanation of the economic and other reasons for the stand taken in the matter. These resolutions have never been rescinded and are a matter of public record. The appearance of a representative of the chamber before the Ways and Means Committee on January 28, 1929, in opposition to an increase in duty on fresh tomatoes was in line with the position held for several years, but owing to misunderstandings and misrepresentations this appearance was withdrawn. The resolutions on file with the United States Tariff Commission read as follows:

"Whereas it has come to the attention of this chamber that a proceeding is pending before the Federal Tariff Commission looking to an increase in the import duty on fresh tomatoes; and

"Whereas this increase will affect principally the importations of that product from the west coast of Mexico; and

"Whereas this chamber considers that such an increase would be very detrimental to the interests of the Southwest portion of the United States;

"Therefore we respectfully desire to protest against any increase and any connection therewith, and wish to point out the following reasons as the basis for our protest:

"1. Because of the fact that the Mexican product is on the market at a time when our local tomatoes are not available in commercial quantities, insuring distribution on the local market of fresh tomatoes during the period when it would be economically impossible for us to obtain fresh tomatoes from any other source.

"2. The crop in the western part of the United States moves to market from May to December and the bulk of the Mexican crop moves to market from November to May, so that there is no appreciable competition between the west coast of Mexico and producing areas in the western half of the United States.

"3. Inasmuch as United States capital finances 90 per cent of Mexican tomato production and the majority of the stores, supplies, and foodstuffs imported into the west coast of Mexico, as shown by the reports of the Department of Commerce, are purchased in the United States largely from the returns of the Mexican tomato crop, it is evident that should an additional burden be placed upon this industry it will reflect very considerably on the reciprocal trade of the two nations.

"4. If as brought out by the Tariff Commission report, May 22, 1928, based on thorough investigations in both areas, domestic tomatoes can be laid down in the large consuming centers of the United States at a lower cost than Mexican tomatoes, it seems inadvisable to still further handicap the Mexican industry in order to give additional protection to domestic production.

"5. We recognize that the development of the west coast tomato industry and its complete organization during recent years has made possible unified action of Mexico and the United States in pest-control measure, which has resulted in tremendous benefit to the United States."

STATEMENT AND PETITION OF PRODUCE DEALERS AND BROKERS OF SAN FRANCISCO, CALIF., TO SENATORS JOHNSON AND SHORTRIDGE AND REPRESENTATIVES KAHN AND CURRY

The undersigned, produce dealers and brokers of San Francisco, Calif., hereby voice our protest against any increase in the duty on fresh vegetables, particularly tomatoes, peppers, and peas, now being demanded of Congress by certain vegetable interests of Florida and south Texas, and respectfully urge that you oppose on behalf of the consumers of California any increase in tariffs which would reduce the available supply of such essential commodities for a considerable portion of each year.

We indorse the brief submitted to the Ways and Means Committee of the House of Representatives by the Los Angeles Produce Dealers and Brokers Association on January 28, copy of which is attached. The brief sets forth the facts with special reference to the fresh vegetable situation in the West and clearly points out the gross injustice to consumers which would result from the tariff embargoes as proposed by certain Florida interests.

We wish particularly to direct your attention to the condition which has existed in the eastern markets throughout the present winter and spring season when the producers of tomatoes in Florida, on account of the admitted inferiority and poor shipping quality of their product, have not been able to adequately supply the eastern cities with marketable tomatoes, while the tomatoes from the west coast of Mexico during the same time have been in good demand and, whenever available, have brought large premiums over the domestic product. The present situation with reference to Florida tomatoes has strongly emphasized the contention made in the brief of the Associated Produce Dealers and Brokers of Los Angeles, and we sincerely hope that the interests of consumers and the economics of the fresh vegetable tariff situation will not be ignored by Congress as selfishly demanded by Florida vegetable growers whose difficulties obviously can not be remedied by tariff legislation.

A. J. Levy & J. Zentner Co., Hunt Hatch & Co., Hammer Co., Ivancovich Trobock & Berge Co., L. J. Hopkins Co., Half Moon Fruit & Produce Co., John Demartini Co. (Inc.), De Back & Co., Lewis Simas Jones Co., H. P. Garin Co., Williams, Dimond & Co., Otis, McAllister & Co., Jacobs Malcolm & Burtt, Garcia & Maggini Co., Robert T. Cochran & Co.

THE TOMATO REPACKING BUSINESS

STATEMENT OF THE BLOOM CO., DISTRIBUTORS OF FRUITS AND VEGETABLES, DETROIT, MICH., DATED APRIL 27, 1929

We have been following with a great deal of interest the efforts being made by growers, shippers, associations, and dealers in the State of Florida to have a considerably higher tariff placed on various vegetables, including tomatoes, beans, peas, celery, Brussels sprouts, peppers, etc.

In the case of tomatoes especially, we believe that the Florida people are asking for increases which are unreasonable, unwarranted, and unnecessary. The real need of both Florida and California is not a higher tariff wall against imported tomatoes, but to produce tomatoes of better quality and appearance.

In United States Department of Agriculture Farmers' Bulletin No. 1338 entitled "Tomatoes as a Truck Crop," the following statement is made: "The tomato, a horticultural crop of American origin, now ranks third in importance among our truck crops. The demand for high-quality table or slicing tomatoes is increasing and there is need for improvement in the quality of the tomatoes grown for the early market."

Here in this company we have specialized in the handling of tomatoes for the past several years, and will handle several hundred cars annually. We are repackers of tomatoes and here in our plant the art or science of ripening and repacking has been advanced to as high or higher degree than any place in the United States. Our Ruby brand occupies the unique position of being the only advertised fresh tomato in America so far as we know. For the past three seasons our Ruby brand tomatoes have been regularly marketed in an area in the Great Lakes region covered by a radius of 200 miles around Detroit.

This has been brought about through setting and maintaining a very high standard of quality for our Ruby brand, and also through sparing no expense or effort which would help to improve the quality. We have developed new methods for handling and ripening. Patents have been applied for three different phases of our system. Our investment in equipment and machinery for handling and ripening, not including the building, is now over $15,000. During the spring months of March, April, May, June, and July we will employ as high as 100 people. Due to our constant efforts to maintain a very high standard of quality for the Ruby brand our season for repacking has been gradually lengthening until now we are repacking all year round except for about six or eight weeks in August and September, when the Michigan home-grown crop is on the market.

At the present time the consumption of fresh tomatoes the year round is increasing faster than that of any other fruit or vegetable. The consuming public wants better quality in tomatoes. We know that. The tremendous increase in the yearly production and consumption of greenhouse tomatoes at much higher prices than outdoor tomatoes is ample proof of this assertion.

Here in Detroit last fall, when only California tomatoes were available, about 50 per cent—as near as we could ascertain—more greenhouse than outdoor tomatoes were sold in the city of Detroit and at considerably higher prices for the greenhouse-grown fruit. This was entirely due to the mediocre or poor quality of the California product and to the fine quality of the greenhouse product. There were plenty of California tomatoes available, but the quality finally got so poor that many cars would not bring freight charges.

We have made and are still making a scientific study of the requirements of the ultimate consumers' market for tomatoes. This includes a survey of retail stores in the city of Detroit and an observation of the habits and preferences of the housewives as they purchased their supplies of fresh tomatoes and other vegetables. Our conclusion was that the ultimate consumer wants tomatoes of better quality and appearance.

As a result, our Ruby brand is the only brand of outdoor tomatoes which has at all successfully competed with greenhouse-grown fruit on the Detroit market.

The consuming mass of the people in Detroit have gotten used to fine quality in tomatoes, and if good quality is not available they simply will not buy at all. A fine example of this was last November and December, when the California tomatoes were of poor quality, but in ample supply just before the Mexican crop was available. At this time the demand from the consuming public fell off to such a point that many carloads of California tomatoes would not bring freight charges. We could not use them at all for repacking our Ruby brand. Greenhouse tomatoes during this period sold well and at quite high prices and were available in practically all grocery stores in the city. From the above it can be seen that the greenhouse tomato is the most serious competitor of domestic-grown tomatoes.

In actual practice we find we are unable most of the time to use tomatoes from certain sections because of their inferior quality. This is especially true of tomatoes from California, Florida, and the Rio Grande Valley of Texas, and sometimes true of tomatoes from other States.

It was stated above that we have, in conducting the everyday practice of our business, gotten into the habit of rating the value of every car offered for sale to us according to the percentage of Rubies which it contains. This year we have kept a file of our inspection reports covering nearly all cars offered for sale to us, whether we finally purchased the car or not.

We are giving below a list of some of the cars which were inspected by us, quality not being good enough for our Ruby brand. The car number, date of inspection, percentage of Rubies, specks, and decay is shown for each car, except in cases where the quality or condition was so bad that it was apparent at once that the car was unsuitable.

We do not contend that all cars from the States mentioned were as bad as those shown in the table. However, we do contend that the cars shown in the table represent the average quality which was offered to us from the States named during the period shown. During this period also the prices which growers were receiving in the producing sections shown were extremely low; in fact, were just about ruinous.

The second table shows clearly that this was due to the poor quality being offered from the sections named, for the buying public as a whole were willing at all times to pay handsome prices for tomatoes of good quality, as shown by the relatively high level of prices realized for the Ruby brand. However, it can also be seen that tomatoes which are fit only for the speck grade are not worth the packing and transportation costs in actual practice on a typical consuming market such as Detroit.

The low prices realized by Florida and California growers during the period shown were due, then, to the low percentage of high-grade fruit and the high percentage of low-grade fruit. In this connection we have observed that the same climatic conditions which cause poor quality also cause a short crop or even an entire crop failure.

Mexican tomatoes began to be available on this market about the middle of December. While not as good as we would like to see them, they were far better than the tomatoes from Texas, Florida, or California. Since it has been our experience that the consuming public will go without tomatoes rather than buy poor quality tomatoes, it would have been necessary for us to close down our plant for the months of December, January, February, March, and half of April, had Mexican not been available, for only during the last week has the quality of Florida tomatoes been good enough to warrant us using them for repacking purposes.

The tomato repacking industry has been growing by leaps and bounds during the last five years. It is my opinion that during the late fall, winter, and early spring months, 80 to 90 per cent of all the outdoor-grown tomatoes consumed in the city of Detroit are repacked tomatoes.

Considering the investment in plant and equipment, in advertising and the number of skilled people employed it is absolutely imperative for a tomato repacking plant to operate continuously practically the year round. To do this, is impossible without a steady, dependable supply of tomatoes of sufficiently good quality to satisfy the demand of the buying public. Neither Florida, California, Texas, nor any combination of domestic producing sections has been able in past years to provide such a continuous source of supply.

To place a prohibitive tariff on imported tomatoes would not only place a very desirable and healthful product out of reach of the rank and file of consumers for long periods of the year but also would not help the domestic sections, for the reason that the great middle class of consumers will not buy tomatoes of inferior quality, even though no better ones are available. It would also make it practically impossible to successfully operate large repacking facilities such as we have here in Detroit. Furthermore, the fact that these facilities were not available would of itself prove a great detriment to Florida and other domestic sections when they come on the market with tomatoes of good quality. These repacking facilities are not only desirable but we venture to say, necessary, to Florida and other domestic producing sections. The availability of good quality imported tomatoes during periods of the year when good quality domestic tomatoes are not available at any price, is just as beneficial to domestic sections as it is to imported sections.

For these reasons, mainly for the good of the domestic tomato-producing sections themselves, we sincerely hope that no higher tariff is placed on imported tomatoes.

THE BLOOM CO.,
By FRANK A. L. BLOOM.

The VICE PRESIDENT. Does the Senator now offer his amendment?

Mr. ASHURST. I do; and I ask to have it read.

The VICE PRESIDENT. The clerk will read the amendment offered by the Senator from Arizona to the amendment of the committee.

The CHIEF CLERK. On page 143, line 2, in the committee amendment, after the word "cents," insert the following: "per pound, except during the months of December, January, February, and March, when the duty shall be one-half of 1 cent."

Mr. FLETCHER obtained the floor.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from California?

Mr. FLETCHER. I yield.

Mr. SHORTRIDGE. The amendment is not now in order, is it?

Mr. FLETCHER. I am not making any point about it.

Mr. SHORTRIDGE. I am inquiring of the Chair.

Mr. FLETCHER. I do not care to make any point about it. I would just as soon have it considered now as at any time, whether it is in order or not. I make no point about it. I make no point as to the constitutionality of the provision that is now offered, or as to the constitutionality of the provisions of the next paragraph as to seasonal duties.

They may be constitutional; I assume they are constitutional. I do not care to discuss the constitutionality of the question at all. I do insist, however, that any such provisions are wholly unjust, are absolutely discriminatory, and ought not to be countenanced for a moment. I am surprised that any Senator should rise here and say that he is in favor of a proposition that will fix duties upon any commodities applicable to all other portions of the United States except one State. That is all this means; boiled down to the last analysis, that is precisely what it means; that as to all the United States except Florida the duty on tomatoes shall be 2½ cents a pound, and that there the duty shall be one-half of 1 cent a pound. Can anybody justify that? There is no escape from it. There is no other State in the Union that produces tomatoes during the months that are excepted here—December, January, February, and March, and especially December, January, and February.

In the northern part of Florida and Texas they begin to produce tomatoes in March. Coming on up north from there, we find other States producing them in April and May, and so on farther north. Practically every State in the Union produces tomatoes at some time of the year; but there is only one State that produces them in December, January, February, and March—all the time—except, as I say, in a few sections along the border in Texas and in California they begin to produce tomatoes during February and March; but only in Florida are tomatoes produced in December and January.

So it is proposed to impose a duty in this instance that is applicable to all the States, except Florida, all the year, but in that State the tariff shall be one-half of 1 cent a pound instead of 3 cents a pound, as is provided in the House bill, or 2½ cents a pound as reported by the Finance Committee.

It does not seem to me necessary to go any further than to point out that fact. The injustice of the proposition, the rank discrimination that is offered here, is enough to horrify and almost to offend the sense of justice of Senators within this body.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Arizona?

Mr. FLETCHER. I yield.

Mr. HAYDEN. Does the Senator from Florida contend that the State of Florida has in the past been able to supply the needs of the United States for winter tomatoes during the winter months and has actually supplied them or can do so during all those months?

Mr. FLETCHER. I contend absolutely that the State of Florida can do it. I do not say that she has done it, because the industry is only being developed there; it is growing. The people are putting more money into it as time goes on. We have the soil, we have the climate, we have all the conditions to make it possible to produce an absolute total supply of tomatoes for the United States. The area is practically unlimited; the possibilities of production are practically without limit in that State. We can produce those tomatoes.

The people there have been discouraged. They have now to compete with Mexico, with Cuba, with the West Indies, and with other places, but particularly with Mexico, during these months. The people of Arizona, and perhaps of other States on the border, like to go down into Mexico and invest their capital in Mexico, where they can get labor at about from 30 to 50 cents a day while in Florida we have to pay from $2.50 to $3 a day for labor.

They can go into Mexico and get cheap lands; they do not have to use fertilizer, while we have to use fertilizer in order to hurry forward the crop. The growers can produce tomatoes in Mexico for about 58 cents a crate, while it costs us $1.12 a crate to produce them. Therefore they are tempted to go into Mexico and invest their money in a foreign country where they can get cheap labor. Then they have the audacity to come to Congress and ask that they be given the American market for the product produced under those circumstances. I hardly think we are going to do that; I scarcely think the Congress will be willing to do that. I do not believe Congress will lose very much sleep over the condition of American citizens with capital going into a foreign country, investing that capital, and then asking that they be given the American market as against American producers paying American wages.

As I have stated, the unquestioned effort here is to have this duty apply, as it will apply, to every State in the Union except Florida, and as to Florida that the rate shall be one-half of 1 cent per pound instead of 2½ cents a pound. That is what all this means in the last analysis.

The statement was made here that Florida does not produce tomatoes during these months. I have a report from the bureau which shows that in the season of 1924–25 Florida produced and sent to market in December 32 carloads, in January 214 carloads, in February 850 carloads. I have not followed the figures on through the other months, but the shipments increase until May.

The imports in the season of 1924–25, coming mostly from Mexico were 337 cars in January and 320 cars in February.

The Florida production in the season of 1925–26 in December was 13 cars, and the imports were 431 cars; in January the Florida production was 63 cars, and the imports were 707 cars; in February, season of 1926–27, Florida produced 427 cars and the imports were 1,333 cars; in the season 1927–28 Florida produced in December 291 cars, and the imports were 636 cars; in January Florida produced 491 cars, and the imports were 671 cars; in February Florida produced 300 cars, and the imports were 636 cars.

In the season 1928–29 Florida produced in December 383 cars, and the imports were 1,011 cars. In the season 1928–29 in January Florida sent to market 586 cars. There are no records available, at least I have not been able to get them, of the imports.

In February, season of 1928–29, Florida sent to market 1,233 cars. I have not been able to obtain a record of the imports, but they were approximately that number.

So, Mr. President, we are producing tomatoes in December, January, February, March, April, and May. The importations begin in December. Mexico wants to send her tomatoes into the market here at the very time Florida tomatoes are ready for market. What will happen will be that American capital will go into Mexico and produce enormous supplies of tomatoes during these particular months when the rate is half a cent a pound; they will produce more than the market will take; they will bear down the price of tomatoes at the time when Florida's crop is going to market; they will pile into cold storage in the United States supplies that will last all through April, May, June, and July, in competition with other tomatoes that are grown in the United States; and they will distribute those supplies in competition with American-grown products long after the period when the tariff duty of a half a cent a pound shall have elapsed. They will get the benefit of the tariff of a half a cent a pound on all they ship in during that period, and they will ship in vast supplies, put them in cold storage, and then sell them in competition with American-grown tomatoes throughout the country after the rate of 2½ cents a pound has gone into effect.

Mr. President, there is no justification for this proposition. I can not conceive of the Senate for a moment giving it serious consideration. Not only this seasonal rate is a clear and distinct discrimination against one State, but all seasonal rates are the same thing. I propose to make the same objection to every one of the proposed seasonal rates, as to eggplant, cucumbers, and other vegetables. It is a clear and distinct discrimination against one State, and only one State.

I make no appeal on behalf of Florida on account of any conditions which have affected Florida. We have had a good many disturbances and troubles down there. We have had a collapse of the land booms; we have had hurricanes in 1926, 1928, and 1929; we have had bank failures this year; we have had the Mediterranean fly; and we have had various other disasters and catastrophes. I make no appeal on that ground; but I do say that Florida has just the same right here that any other State has, and that the Congress has no business to discriminate against Florida when it comes to legislation. I simply stand on our rights here as a people.

The people of Florida pay an income tax of something like $19,000,000 a year; they pay taxes many times more than they get in return from the Government in money, and I do not see why they should be discriminated against in this way.

It can be nothing less than that. All I want is square, fair, and just treatment for Florida, such as I ask for every other State. I am surprised that any proposition like this should receive serious consideration for a moment.

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

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. I yield.

Mr. SMOOT. The Senator made a statement a while ago to the effect that Mexican tomatoes can be brought into the United States and kept in cold storage the remainder of the year. I do not know whether the information that was furnished the committee is correct, but that information in its relation to cold storage is that tomatoes can be kept for about 30 days in cold storage and that after they have been so kept for 30 days they begin rapidly to deteriorate. Does the Senator know whether or not that is the fact?

Mr. FLETCHER. I will not undertake to question that statement if it is made by responsible authority. I, myself, as a man of some sense and some knowledge of human nature and of conditions in this country, was really assuming that the Mexican producers whould take advantage of conditions, ship their tomatoes into this country under the half cent a pound rate of duty, store them, and keep them as long as they could. I did not know there was such a limit on the time tomatoes could be stored.

Mr. SMOOT. The statement the Senator made is absolutely correct if the tomatoes could be stored for any considerable length of time; but, from the information given to us, I understand that tomatoes can be kept in cold storage for only about 30 days, and that after that time they begin rapidly to deteriorate.

Mr. FLETCHER. That may be true. In that case, Mr. President, those engaged in growing tomatoes in Mexico could bring them in in March under a duty of half a cent a pound and then take all of April in which to distribute the tomatoes in the markets of the United States as against the American-grown product. There may be some limit as to the time tomatoes can be kept in cold storage. I am not informed as to that; I supposed, however, that they could be stored longer than 30 days. I supposed that almost anything, if put under a sufficient degree of refrigeration, would keep for several months. I imagine that to be the case; I am not an expert on that subject.

Mr. SMOOT. When tomatoes are placed into cold storage they are placed their unripe, and I am told that the product is of such a character that after it becomes ripe it deteriorates very rapidly. Tomatoes could be kept, I presume, for more than 30 days, but they would become less valuable as time went on.

Mr. FLETCHER. I think likely that would be true, but at the same time, Mr. President, after they begin to deteriorate they at least can be canned, I take it; they can probably be used for canning purposes. At any rate, that would be the practice if this amendment were adopted. They would ship in a large amount of tomatoes under the half-cent rate that would be stored and kept as long as possible, and then afterwards used in competition with American-grown tomatoes.

I ask to have inserted in the RECORD a statement made by the committee representing growers down in Florida, with the schedule of shipments to which they refer.

The VICE PRESIDENT. Without objection, the statement and schedule will be printed in the RECORD.

The matter referred to is as follows:

AUGUST 13, 1929.

Hon. JAMES E. WATSON,
Chairman Agricultural Subcommittee of the Committee on Finance, United States Senate.

Hon. REED SMOOT,
Chairman Committee on Finance, United States Senate.

Hon. SAMUEL M. SHORTRIDGE,
Member of Committee on Finance, United States Senate:

Representing the fruit and vegetable industries of Florida, we have watched very closely the activities and the reports concerning the ac-

tion of the United States Senate Finance Committee on agriculture, and especially where they concerned those items that affect Florida and the Gulf coast States.

It caused great alarm and much anxiety on the part of the vegetable growers in Florida when the report came out that the Senate Finance Committee proposed to offer an amendment to the Hawley bill, changing the rates in the Hawley bill on certain commodities to a 9-month period, wherein duty would be imposed as provided in the Hawley bill, and leaving the months of December, January, and February as they are in the present Fordney-McCumber rates during those three winter months.

We, the undersigned growers and growers' organizations, backed by practically every business concern of any nature whatever in Florida, wish to file a vigorous protest against this proposed amendment on the grounds that it shows unfair discrimination, and because it defeats entirely the purpose of protection as afforded by the rates in the Hawley measure. It does this to a far greater extent than a person not engaged in these industries can imagine. In the first place, as proven by charts and figures attached, Florida has been, and can continue to be, engaged in actually producing these particular commodities during the months of December, January, and February, as does Mexico. Further, our season and climatic conditions permit us to grow these products successfully and always in sufficient quantities to supply the American consuming public without the aid of Mexico, Cuba, and the Bahama Islands. From the figures attached you will note that Florida shipments on these particular commodities, namely, tomatoes, string beans, and mixed vegetables, begin just as early as do shipments from Mexico and other foreign places, and have continued each year throughout the season.

In the production of these commodities, both at home and abroad, the acreage for these winter months is always lower as compared with the spring months, because the consuming public will not take the quantity that they do in the spring months. In the Northern States, when the weather is cold, it is a known fact that the public does not consume near the quantity of these products as they do in the spring months. Also due to the usually cold and unseasonable weather, the retail tradesmen can not effect the distribution that is possible in the warmer spring months. Nevertheless, it is an absolute fact, that Florida does produce and can produce any quantity necessary during those months to supply the public. The lands are available and every other condition is satisfactory for the same.

In the actual production work by the producers, these crops are usually planted in the early fall months, and later midseason and late crops are planted. Up to this time we have been laboring under a very heavy disadvantage caused by foreign competition. Such crops as we have produced have not been successful because we have been compelled to leave at least 50 per cent of our yield in the fields, due directly to demoralized markets, caused by foreign competition. If this proposed amendment becomes a part of the tariff law, it spells the doom of Florida, because we can not operate successfully and depend upon one crop alone for a successful livelihood. It has always been, and will be true in the future, that the markets will fluctuate on these commodities, and unless we have the entire season, from December through April at least, provided for us by nature, in which to operate, we can not hope to be successful.

The proposed amendment will force us to grow only a late crop of these commodities and eliminates us from more than three months of our best winter markets and thereby forces us into more direct competition with other domestic producers whose crops start shipments the latter part of April and May. Should this proposed amendment become effective, it means that the foreign producer will concentrate his acreage into these winter months, and during February will naturally ship every possible pound of these commodities from his fields, with the result that the markets of this country will be loaded with foreign-produced vegetables and it will take the entire month of March for our markets to recover and permit the domestic producers in Florida an opportunity to use those markets favorably.

To go further into detail, the foreign producers will naturally unload everything they can into storage all over the United States, and, although the duty is effective March 1, it would afford no real protection until the markets have had time to recover from the shipments of February. With our heavier shipments from Florida coming in February, March, and April, this means that we would actually have only one to two months' protection in Florida, where it is needed, as in the latter part of April and the first part of May crops to the north of us begin shipments and both Florida and foreign producers are then eliminated. Neither Florida nor the foreign producers can compete with domestic producers in the States to the north of Florida, who begin shipments in very late spring and become heavy in summer months. Therefore no duty is actually needed to protect domestic producers in the summer and early fall months. It is needed to protect domestic producers in winter and spring months only. Therefore you can readily see the justice in our protest to this proposed amendment. It would give the foreign producer the distinct advantage during the winter months and leave us only a part of the spring months.

Representing by delegated authority the fruit and vegetable industry of Florida, we therefore pray you to reconsider and withdraw the proposed amendment making a seasonal duty on winter vegetables. Florida will ever be grateful.

Respectfully,

L. L. CHANDLER.
G. S. FLETCHER.

Comparison of car-lot shipments from Florida, with imports, for months of December, January, and February, by seasons

	1924–25		1925–26 [1]		1926–27 [2]		1927–28		1928–29	
	Florida	Imports	Florida	Imports	Florida	Imports	Florida	Imports	Florida	Imports
Tomatoes:										
December	32		13	431	1	310	291	636	383	1,011
January	214	337	5	658	63	707	491	871	586	(3)
February	860	320	54	716	427	1,333	300	636	1,233	(3)
String beans:										
December	154		140		300		547		198	
January	345		52		39		102		119	(3)
February	94	2	16		61	8	112	2	432	(3)
Mixed vegetables:										
December	242		120	20	292	8	442	6	224	28
January	454	64	149	59	222	39	282	75	333	(3)
February	240	59	87	81	120	48	168	97	241	(3)

[1] This year real estate boom. [2] This year hurricane. [3] Import figures not available for these months.

Above figures from Bureau of Economics, U. S. Department of Agriculture.

Mr. WALSH of Massachusetts. Mr. President, as I must leave the Chamber, I will not have an opportunity to speak upon this question; but I ask permission to have inserted in the RECORD a letter similar to many that I have received protesting against this duty, and a brief which is a summary of the evidence presented before the Finance Committee upon this subject.

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

The matter referred to is as follows:

BOSTON, MASS., *August 21, 1929.*

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

DEAR SIR: We see by the papers that the Senate Finance Committee has reported the new tariff bill, and that in that bill the 3-cent House rate on fresh tomatoes has been decreased to 2½ cents. This decrease is not enough to alter the situation in any way and is still altogether too great. I know that you will agree with me that an increase from one-half cent to 2½ cents is not justified.

If the Finance Committee had handled the tomato situation the same as they handled the eggplant and cucumber items that would have been of some help—namely, keeping the duty at one-half cent per pound during the months of January, February, and through to the middle of March.

The writer had the pleasure of meeting you personally in your office while in the company of Mr. Cliff, of the Home Market Club of this city. He very much appreciated the fact that you felt the proposed rate was unreasonable and would do what you could to have it reduced when it came onto the floor of the Senate.

I simply wanted to let you know that a great many business men here in Massachusetts, such as myself, are vitally interested in having you do everything you can to have this very unjust and uncalled-for rate cut out and that the consuming public are really vastly more interested than we are in the matter. I feel sure that when the public realize what some of these provisions of the tariff mean to them that they will express their disapproval in no uncertain way.

Again thanking you for everything that you can do for us and thanking you also for your courtesies in connection with this matter in the last two or three months, we are,

Very truly yours,

E. C. FITZ & CO. (INC.),
Per E. C. FITZ, *President*.

BRIEF ON PARAGRAPH 770 PREPARED BY SENATOR WALSH OF MASSACHUSETTS

TOMATOES IN THEIR NATURAL STATE

Act of 1909: 25 per cent.
Act of 1913: 15 per cent.
Act of 1922: One-half cent per pound.
House bill: Raises it to 3 cents per pound.

In the hearings before the House most of the witnesses, including the American Farm Bureau Federation, asked for the 3 cents per pound rate.

The American Chamber of Commerce of Cuba asked for no change in the existing duty (p. 4616 of House hearings).

Congressman LEWIS W. DOUGLAS, of Arizona, desired that it be transferred to the free list (p. 5094).

The duty imposed by the Senate subcommittee was: Decreased House rate from 3 to 2½ cents.

Facts

1. The most important producers of fresh tomatoes are Florida, Mississippi, California, and Texas. These four States produce half of the fresh-tomato crop, practically all of which is shipped outside of the usual season.

The most important centers in the North are New Jersey, Maryland, Indiana, Missouri, and Illinois.

2. *Domestic production*—	Pounds
1923	973,112,000
1928	885,920,000

3. *Imports.*—Chief countries from which they come are Mexico (80 per cent), Cuba (12 per cent), and the Bahamas (7 per cent).

	Pounds
1923	7,157,487
1928 (largest figure in recent years)	23,932,200

4. *Exports.*—Go largely to Canada, but are not recorded.

5. *Prices.*—Owing to the perishable nature of the fruit, prices of fresh tomatoes fluctuate widely, depending upon the condition of the fruit and the market supply.

6. *Competitive conditions.*—Most serious overlapping of domestic and imported shipments usually occurs in March and April. Most of the Cuban and Bahaman tomatoes are consumed in and around New York City, where they are shipped usually by water, while the Mexican tomatoes, which are shipped by rail through Nogales, Ariz., go to practically all of the markets of the United States and Canada. The December to May period is when tomatoes are imported and it can be justly said there is no real competition with the domestic tomatoes. It is admitted that there is some competition in June and November with the domestic production.

Pertinent remarks

The increase in the rate on fresh tomatoes to 3 cents per pound, an increase of some 600 per cent, seems unwarranted for the following reasons:

1. Imports according to the 1928 figures represent only 2.5 per cent of the total consumption of tomatoes in their natural state or 23,932,290 pounds as contrasted with total consumption of 909,952,000 pounds. (Domestic production plus imports.)

2. No section of the United States has been able to provide consistently an adequate and reasonably dependable supply of good-quality, field-grown, fresh tomatoes for the leading American markets during the period from December 1 to April 30. The monopoly on the fresh-tomato supply such as the Florida vegetable interests are demanding would deprive the population of a large section of this country of this important food product for a considerable portion of each year.

3. Even under present conditions with fresh-tomato supplies available from Florida, Mexico, Cuba, and Bahama Islands from December to April, inclusive, there are frequent periods when prices to the consumer are too high. To restrict supply further by increasing the duty would be to place the product in the luxury class during certain periods of the year.

4. Florida is unreliable as a producer of tomatoes during the winter and spring months—pests and plant diseases, etc.

5. Cost of production is higher in Mexico than in the United States, according to the investigations of the United States Tariff Commission covering two seasons. It was found to average 20 per cent more than the average for the American areas. The Tariff Commission report dated May 22, 1928, indicates the cost of producing tomatoes is $4.32 per 100 pounds of tomatoes marketed (p. 77), whereas the average cost in this country is $2.99 (p. 69), in cases, falling as low as $2.40. It is reported to be $3.60 for Florida and south Texas (p. 5124 of House hearings).

6. Records show that when the domestic supply is adequate, the shippers from the Mexican west coast can not compete and consequently relinquish the markets to the shippers of domestic tomatoes.

7. Peak movements of tomato imports and of tomatoes of domestic production do not usually occur at the same time.

8. The forced closing of a large proportion of the establishments engaged in the tomato-repacking business which would inevitably result from a tariff which would restrict or prohibit imports from Mexico, Cuba, and the Bahama Islands would result in a demoralized market condition during periods of normal peak movements of American-grown tomatoes. Present imports stabilize fresh tomato supplies.

9. Statement by vegetable embargoists that districts in United States which ship tomatoes between November 15 and May 15 (when 98 per cent of imports enter) are facing ruin is not borne out when records show these same districts are increasing their acreage. The Bureau of Agricultural Economics shows an increase from 25,950 acres in 1926 to 47,300 in 1929, an increase of 82 per cent.

10. The Mexican west coast tomato industry is virtually an American enterprise, and is of benefit to American manufacturing interests through its importation of its products.

11. Wide fluctuation in supplies, which would inevitably result if Florida were given a monopoly in this commodity for several months of each year, would demoralize the hothouse tomato business.

12. Fresh tomatoes can not be said to decrease consumption of other agricultural products.

13. Florida east coast and south Texas have acquired a very bad reputation in regard to the quality of their tomatoes.

14. While the majority of American agricultural industries are requesting tariff protection to the extent of an amount sufficient to equalize the cost of domestic and foreign production the Florida and Texas embargoists urge the adoption of a prohibitive rate in an essential commodity, the demand for which they can not themselves properly supply.

15. West Coast Vegetable Association is not averse to a tariff, June to November, but desire fresh tomatoes to be exempt from duty for the period December 1 to May 1.

PARAGRAPH 770—TOMATOES PREPARED OR PRESERVED IN ANY MANNER

Act of 1909: 40 per cent ad valorem.
Act of 1913: 25 per cent ad valorem.
Act of 1922: 15 per cent ad valorem.
House bill: 40 per cent ad valorem.
Senate bill: 50 per cent ad valorem.

Various organizations asked before the House for a 60 per cent ad valorem. The Vegetable Growers' Association of America requested 60 per cent rate (p. 4911 of House hearings). The American Farm Bureau asked for 60 per cent also, with the exception that tomato paste should be 50 per cent.

In general, the chief opponents were the importers and the Italian Chamber of Commerce of New York (p. 5167), who showed how the increase would fall on the consumers, especially the Italians in the large cities who are the chief consumers of this commodity. The list of letters given above protesting to Senator WALSH is evidence of the source of complaints.

The duty imposed by the Senate subcommittee was 50 per cent ad valorem.

Facts on canned tomatoes

1. United States leads in the production of canned tomatoes, with Italy next in importance.

	In cases of 24 No. 3 cans
2. *United States production*—	
1923	14,672,000
1925	19,770,000
1927	13,160,000
3. *Imports*—	
1923	662,670
1925	1,690,934
1927	1,838,666
4. *Exports*—	
1923	178,271
1925	102,570
1927	124,131
1928	110,770

Remarks

The increase in duty on these tomatoes is unwarranted for the following reasons:

1. Italian tomatoes which are canned are of an entirely different variety. The flavor, color, percentage of solid, and sugar are different from domestic tomatoes. The Tariff Commission report on tomatoes, page 18, mentions the noncomparability.

2. During the war Italian tomatoes were not obtainable, and the only domestic tomatoes that were consumed in their place were the Californian canned tomatoes with added purée. When importation was again permissible, although Californian tomatoes with added purée

were selling at about 30 per cent less than Italian tomatoes, yet the usual consumers returned to the consumption of Italian tomatoes (p. 5171 of House hearings).

3. Scaramelli & Co., a New York importer ,and one of the protestants against the higher rates, claimed that they have shipped to their representative, the Cerro Corporation, of Naples, over $100,000 in American canning machinery and an average of $1,000,000 per year of tin plate bought from the United States Steel Corporation. This was done to create a feeling of reciprocity with the United States Government, and is recommended by American importers.

4. As a general rule the Italian canned tomato sells at a somewhat higher retail price than that charged for the domestic canned tomato. The price paid in retail stores for the imported article is considerably higher than that paid for the so-called "standard" domestic canned tomato. (Tariff Commission report of 1927, p. 59, on tomatoes.)

Hence it can be readily seen that the imposing of an additional duty on imported canned tomatoes will not benefit the domestic manufacturer, but will work a further hardship on the already overburdened laborers, who constitute the great mass of consumers of the imported article.

5. This new duty is an attempt to substitute a domestic product for a foreign product when it is already seen that the consumers of that commodity prefer, in spite of higher prices, the foreign commodity. It is merely an additional tax on the consumer which will not be of benefit to the domestic producers, whose product is not bought by the above class.

6. Cost per pound of California canned tomatoes delivered to the eastern seaboard is 0.0552, according to the Tariff Commission. The cost of similar Italian tomatoes so delivered is 0.0652, according to the same source.

Cost to the consumer

	Pounds
Tomatoes in their natural state:	
Domestic production	886, 000, 000
Imports	24, 000, 000
Total	910, 000, 000
Increase in duty 2½ cents per pound; cost to consumer, $22,750,000.	
Canned tomatoes:	
Domestic production, No. 3 cans, cases of 24	13, 160, 000
Imports, No. 3 cans, cases of 24	1, 820, 000
Total	14, 980, 000
Minus exports, No. 3 cans, cases of 24	124, 131
Total	14, 855, 869

Price is quoted by dozen cans (14,855,869×2), dozen No. 3 cans, $29,711,738.

Price May, 1927, $1.30, $38,625,259.

Forty per cent ad valorem, cost to consumer, $15,450,103.

Total cost of natural and canned tomatoes, $38,200,103.

Per capita cost, 32 cents; family of five, $1.60.

PARAGRAPH 770—TOMATO PASTE

Act of 1909: 40 per cent ad valorem.

Act of 1913: 25 per cent ad valorem.

Act of 1922: 40 per cent ad valorem.

House bill: 40 per cent ad valorem.

Duty thus remains unchanged.

However, the following suggested change has been mentioned very often in the hearings before the House:

The heading "Tomato paste" is very unsatisfactory, for it does not define the meaning of paste. The United States appraisers have been collecting duties on all tomato products, other than canned tomatoes, and have listed strained tomatoes, purees, sauce, concentrate, and double concentrate under the heading "Paste."

Remarks

There are practically no imports of fresh tomatoes except from December to May. The tariff question with respect to tomatoes concerns substantially only winter tomatoes.

Winter tomatoes can be grown to a certain extent in Florida and southern Texas. However, in December, January, and February the climate in Florida and southern Texas is not favorable to the production of tomatoes. The crop is frequently killed by frosts, and even when matured the fruit is not so perfect as it is where the climate is more favorable. Experts in the Tariff Commission state that in the winter the highest-priced Cuban and Bahaman tomatoes are regularly higher than the highest-priced Florida tomatoes.

The following testimony of dealers in vegetables is to the effect that Florida winter tomatoes are inferior to the Mexican tomato.

Alton E. Briggs, Boston, Mass., representing the Boston Fruit and Produce Exchange:

"We in Boston, and I find our experiences there are duplicated by other gentlemen to whom I have talked from other States of the United States, can not obtain from Florida during these months (December to May) the tomatoes that our consumers will buy." (Senate hearings, p. 645.)

V. C. Taggart, representing the Fry Brokerage Co., Chicago, Ill.:

"It has been my experience during 15 years and that of my partner, Mr. Fry, whose experience is of 25 years' duration, that Florida can not produce a supply of good fresh tomatoes from December 15 to April 15. Further, that Texas is not and can not be a producer of tomatoes during this period." (Senate hearings, p. 648.)

"The green tomatoes from Mexico can be ripened with seldom a loss. Florida tomatoes coming in during the winter months showed disastrous shrinkage in ripening." (Senate hearings, p. 649.)

Frank L. Bloom, of the Bloom Co., Detroit, Mich.:

"We are protesting against the proposed high tariff on Mexican tomatoes, because it will practically put us out of business during the winter months, because it has been our experience that during these months we can not get a dependable supply of tomatoes of good quality from Florida. (Senate hearings, p. 651.)

"Florida tomatoes, when we take them in, are subject to Phoma rot and to nailhead and to a condition which we call 'puff'—that is, the tomato feels soft when we handle it. It will not ripen into a hard condition so that it will go through the channels of trade. But our experience has been that when we repack a car of Floridas that most of that car has to go into our lowest grade, which we call specks, and specks can be sold only to the peddler trade. The average price of specks during the winter months is below the freight charges." (Senate hearings, p. 653.)

Gordon F. Tyrrel, representing the Shafton Co., Chicago, Ill.

"During the time from December 1 to May 1 our market is dependent for the supplies of good merchantable tomatoes upon Mexico. There are some shipped from Florida at that season of the year, but the percentage of good tomatoes from Florida at that time is very small and undependable." (Senate hearings, p. 655.)

"I have never seen a car of Florida tomatoes in the winter months that was equal to the Mexican tomato." (Senate hearings, p. 655.)

Thomas C. Osborne, Indianapolis, Ind.

"Our market uses Mexican almost exclusively between the period of December to May. It has been my experience that we can not depend upon the quality of Florida tomatoes during the winter months due to unfavorable climatic conditions and to take care of the demand at that time we must look to Mexico for supplies." (Senate hearings, p. 657.)

Nathan Savitz, representing the Philadelphia Perishable Carlot Association.

"We are able to supply the trade the year around with fresh tomatoes only because we are able to import shipments from Mexico during the period from the early part of December to the latter part of April, during which time Florida, which State is the only domestic production section, can not ship a dependable supply of good tomatoes."

"My experience has been that during the period mentioned, 90 per cent of the shipments of fresh tomatoes that arrive from Mexico will come in fine, whereas with Florida, it is just the reverse, only about 10 per cent of their shipments being good." (Senate hearings, p. 658.)

Patrick Henry, representing H. P. Henry & Co.

"In the past 10 years my experience has been that during the period from December 1 to May 1, Mexico presents the only dependable source of supply of fresh tomatoes; Florida shipping only about 1 car in 20 that is satisfactory." (Senate hearings, p. 659.)

National Restaurant Association:

"* * * no district of the United States can supply the American market with fresh tomatoes adequately and reliably during the months of December to April * * *." (Senate Hearings, p. 661.)

While it is possible that the above testimony may be somewhat overdrawn, it is apparent that the main interest of dealers is to have an adequate supply of tomatoes, irrespective of their source.

The proportion of fresh tomatoes supplied by domestic production from December to March, inclusive, has been as follows: 1925–26, 7.88; 1926–27, 26.15; 1927–28, 19.24; 1928–29, 28.34. If the above testimony can be relied on, the domestic production has not been of so high a grade as the Mexican tomatoes, which fact would make the proportion of high-grade tomatoes furnished by domestic production less than the above figures show. Domestic production has furnished less than 25 per cent in quantity on the average, and much of that quantity has been inferior. Moreover, the quantity furnished by domestic producers varies from 5,000 to 13,000 carloads in the course of a single year (1925–26, 1926–27). This emphasizes the fact that the winter tomato in Florida is an extremely variable crop. While the supply might be sufficient one year, the crop might be wiped out the following year. The proposed tariff rate of 94 per cent, therefore, attempts to make the American consumer dependent for this vital food upon an inadequate and uncertain supply.

It is true that greatly increased prices of fresh tomatoes will increase the domestic supply, but this will probably be only on the basis of increasing cost. Poorer land and land more liable to frost will be planted, and these added marginal farmers will be just as badly off as the marginal tomato growers are now, and there will be a renewed cry for higher protection.

The average farm price of imported Mexican tomatoes for the two years 1925–1927 was 2.74 cents per pound. (United States Tariff Commission. Preliminary statement on fresh tomatoes, 1928.) The proposed duty of 3 cents per pound would double the original cost of the

tomato. Most of the expenses of handling the tomato are based upon the original cost. Such expenses are the commissions, the interest on the capital employed, the losses and shrinkage of the stock through spoilage, etc., the risk, market losses. Mexican winter tomatoes sell to the retail buyer at from 15 to 25 cents a pound. It may be conservatively estimated that the 3-cent duty would add about 8 cents a pound to the retail price, especially since the higher price would diminish consumption and greatly increase the overhead of the dealers.

This increase in price would make winter fresh tomatoes too expensive for the average family and would cut off from the average diet this much needed fresh vegetable in the winter. Is this the way to uphold the boasted American standard of living?

The purpose of the increased tariff rate on fresh tomatoes is to widen the market for Florida tomatoes, forcing the sale of Florida tomatoes in western as well as eastern points. The following table shows the freight rate on fresh tomatoes from the principal shipping points in Florida and Mexico to important markets. (United States Tariff Commission. Statement on fresh tomatoes, 1929.)

(Per 100 pounds gross weight)

From—	To—				
	Chicago	St. Louis	Kansas City	Los Angeles	New York
Goulds, Fla	$1.968	$1.798	$1.979	$3.447	$1.798
Los Mochis, Mexico	1.608	1.616	1.546	1.509	2.021
Difference	.360	.182	.433	.938	−.223

When the western buyer is compelled to buy from Florida instead of Mexico, he has to pay a freight charge from 2 to 9 cents a pound more than he would were his access to the Mexican supply open. This tax does not go to the Florida producers. It is simply money wasted by doing a thing in an uneconomical way. Added to this burden the fact that the spoilage is much higher on fresh tomatoes shipped so great a distance as from Florida to central and western United States. At the present time, because of the high cost of living in the United States and the ensuing high wages, industries are moving from this country in large numbers and shutting down their American factories. Under these circumstances, is it wise to increase the price of necessary food products in the country to compel their production under uneconomic conditions?

Mr. WALSH of Montana. Mr. President, I am sure the very kindly feeling I entertain for the people of the State of Florida, and particularly for the Senators from that State, is shared very generally in this Chamber.

I indicated to the Senator from Arizona [Mr. ASHURST] a short while ago that I will support his amendment. I am in receipt of a very vigorous protest from the city of Butte, Mont., against the imposition of this very high duty upon tomatoes. It is represented, with undoubted truth, that we can not get tomatoes into Montana from Florida, and we are obliged to rely for our winter's supply upon Mexico.

I say we can not get them in Montana. Of course, you will bear in mind that the border of the State of Florida is distant somewhere between 1,500 and 2,000 miles farther from the State of Montana than is the Mexico line. In other words, if we get tomatoes from Florida in the winter at all, we must pay freight upon them for a distance of at least 1,500 miles more than if we got our tomatoes from Mexico. So I undertake to say that in considering these questions we are obliged to take into consideration all sections of our country. We can not consider the interests of Florida alone, and totally disregard the interests of the Northwest, which supplies itself in the wintertime from Mexico and not from Florida.

Mention is made of California; but California produces no tomatoes during the winter season represented by the months incorporated in the amendment of the Senator from Arizona.

Mr. President, the discrimination against which the Senator from Florida [Mr. FLETCHER] declaims so eloquently and so forcefully really practically passes away when we consider the circumstances under which transactions in this very desirable food product are conducted.

That is, Mr. President, that the other sections of the country do not have a duty in effect during the months other than those mentioned in the amendment offered by the Senator from Arizona, for the very simple reason that there are no imports at all during those months, and a 3-cent rate or a 2-cent rate or any other rate is entirely ineffective, so that the apparent discrimination merely passes away.

I have before me, for instance, the figures showing the imports of tomatoes during each month of the years 1928, 1927, and 1926. We start with the month of November, for instance, when the total domestic production of tomatoes—and that includes California, because California tomatoes come upon the market in the month of October—was 38 carloads.

In the month of December, when Florida begins to ship, there were 458 carloads shipped.

What are the imports during those months?

In the month of November 66 cars is the total.

In December, 1,011; total, 5,811.

But let us take January. The total domestic production is 492 and the total imports are 871.

In February the total domestic production is 300 and the imports are 636.

In March the total domestic production is 532, and the imports are 1,375.

In April the total domestic production is 2,109, and the imports are 1,526.

In May—now, Texas comes in, Louisiana comes in, and possibly another State or two along the Gulf coast. In May the total domestic production is 5,117 cars, and the imports are 313 cars.

Now the imports cease. The total production for June is 8,049 cars, and the imports are only 12 carloads.

For July, the total domestic production is 4,366 carloads, and the imports are just 1 carload.

In August, the total domestic production is 1,987 carloads, and there are no imports at all.

In September, the total domestic production is 3,745 carloads, and there are no imports at all.

In October the total domestic production is 2,314 carloads, and there are no imports at all.

So, as a matter of fact, Mr. President, the rest of the country does not have any duty whatever during the months outside of those included in the amendment offered by the Senator from Arizona. There is a nominal duty, but in effect there is no duty, because there is nothing at all against which it operates.

Mr. NORRIS. Mr. President——

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

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

Mr. NORRIS. For all practical purposes, then, I take it the amendment of the Senator from Arizona would be just the same as if he struck out one rate and put in the other?

Mr. WALSH of Montana. Exactly. It would be the same thing as if it said that the rate shall be one-half cent a pound instead of 1½ cents. The effect would be just exactly the same.

Mr. FLETCHER. Mr. President——

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

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

Mr. FLETCHER. Is it not a fact that the reason why the importations fall off beginning with the month the Senator mentions, and after these winter months have gone by, is because the production in the United States has then become so extensive that they can not compete with the United States production?

Mr. WALSH of Montana. Not only that but the season will not permit the production of tomatoes in the tropical countries.

Mr. FLETCHER. I am not so sure about that.

Mr. WALSH of Montana. But let us take the State of Florida. Does the State of Florida ship any tomatoes in the month of July?

Mr. FLETCHER. The State of Florida produces tomatoes in the month of July in the northern part of the State.

Mr. WALSH of Montana. Does she ship any?

Mr. FLETCHER. Not very much, because they are beginning to be produced north of us.

Mr. WALSH of Montana. No; I think everybody will realize that tomatoes can not be produced in a tropical country in the summer months. But, even if that were the case, the production is so large, as suggested by the Senator from Florida, throughout the United States beginning with the month of July and from that time on that it is utterly impossible, even if the fruit could be produced elsewhere, to introduce it into this country. So the complaint that the Senator makes about discrimination really fades away.

Mr. President, it seems to me that the people in our section of the country are entitled to a little consideration in this connection. We should be very glad to buy our tomatoes from Florida if we could get them there at anything like a reasonable price. If it were not for the tremendous freight rates against which we have to contend, carrying these tomatoes from 1,500 to 2,000 miles farther than we can get them elsewhere, we should be very glad to have the tomatoes from Florida rather than from Mexico; but, Mr. President, if this rate of 2½ or 3 cents a pound on tomatoes stands, tomatoes will become an

extreme luxury to the people of Montana during the winter months.

Mr. SHORTRIDGE. Mr. President——

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

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

Mr. SHORTRIDGE. Assuming that Florida could raise these tomatoes, and they could not be raised in Montana or any of the other States, and it was necessary to protect Florida by tariff duties, do I understand the Senator to contend as a matter of theory in legislation that we should not do so?

Mr. WALSH of Montana. We should not do so by levying an inordinate burden upon the people in the rest of the country. Let me say further, we can conceive, of course, that bananas can be grown in Florida. I think they have been grown there; but in order to produce them there, to make a tariff so that it would promote the production of bananas in Florida, we would have to put it so high that it would prohibit the use of them throughout the United States.

Mr. SHORTRIDGE. My question assumes that the climate and the soil of Florida are such as can produce an ample quantity of this commodity.

Mr. WALSH of Montana. Yes.

Mr. SHORTRIDGE. Now, my question is, Should we not give that protection in the way of a tariff, assuming that it can be given by tariff, even as we would give it on a mining article in Idaho or in the Senator's great State, even though that ore is not found in any other State of the Union?

Mr. WALSH of Montana. It is utterly impossible to compare tomatoes with ore.

Mr. SHORTRIDGE. Mr. President, if the Senator will pardon me for a moment, I wish to ascertain the theory upon which he is proceeding. If there is an ore in Montana which, properly protected, can be mined, giving employment to men and capital, an ore not found in any other State in the Union, but which is used by every one of the 47 other States, my theory is that we should give adequate protection to that industry in the State of Montana.

Mr. WALSH of Montana. Of course, the Senator ought not to be making a speech in my time.

Mr. SHORTRIDGE. I beg the Senator's pardon. If he will give me his views or theory, I shall be under many obligations.

Mr. WALSH of Montana. I shall be very glad to give the Senator my views in regard to that matter.

Each duty must stand upon its own bottom. There are considerations applicable to the one that are not applicable to the other. This article is tomatoes. It is not ore of any kind. But, Mr. President, I say this much—that from our location and the location of the State of Wyoming, for instance, and the State of Utah, and the State of Idaho, the one thing that we are obliged to contend against is freight rates.

Why, Mr. President, you will understand that my home at Helena, Mont., is 1,100 miles distant from St. Paul, and still a thousand miles from the seaboard; and I travel 2,500 miles to come from my home to the city of Washington.

Mr. President, the burdens that are cast upon us by what we must pay for freight upon what we eat and what we wear are tremendous, not exceeded by those of any other State in the Union.

The proposal is now to put a duty upon tomatoes so that in the wintertime we shall be obliged to pay the equivalent of freight rates for 1,500 miles farther than from the point where we can get the products now.

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

Mr. WALSH of Montana. I yield.

Mr. GLASS. Getting back to the inquiry of the Senator from California, if there were produced in Montana, or in any other State which might be named, and only in that State, a certain ore used generally in the manufacture of commodities employed in all the States, and if in order to encourage its production in that single State we were asked to put an inordinate, excessive burden of taxation on the people of the other States, would the Senator from Montana favor any such policy as that?

Mr. WALSH of Montana. I hope not.

Mr. GLASS. That is the policy advocated by the Senator from California.

Mr. SHORTRIDGE. Because we are one people, one Nation, brothers all, and I carry out that theory.

Mr. GLASS. I would not like to have a brother of mine rob me in any such fashion as that. [Laughter.]

Mr. WALSH of Montana. Mr. President, again I say that while I hope I am reasonably considerate toward the people of Florida, I have to look out to some extent at least for the people of my own State.

Mr. CAPPER. Mr. President, I have received a letter from the American Farm Bureau Federation strongly opposing the amendment of the Senator from Arizona [Mr. ASHURST]. The proposition is stated clearly and convincingly. I send the letter to the desk and ask that it be read.

The PRESIDENT pro tempore. Without objection, the clerk will read the letter.

The Chief Clerk read as follows:

WASHINGTON, D. C., *October 25, 1929.*

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR CAPPER: The three amendments by Senator ASHURST on tomatoes in their natural state, peas and chick-peas, and vegetables in their natural state, wherein seasonal tariffs on these products are provided for, are diametrically opposed to the position of all farm organizations. We succeeded in keeping all seasonal tariffs off farm products when the bill was in the Senate Committee on Finance with the exception of cucumbers and eggplants. Amendments have been introduced or are prepared for introduction to take the seasonal tariffs off those two vegetables.

If the American producer of perishables is required to let foreign products come in duty free during certain months, when with our broad extent of climates we can produce vegetables practically for the year-round trade, it means that the cream of profit to our American producers will be taken off.

The question naturally arises in the case of raw tomatoes, why, if they are duty free from December 1 to May 1 as provided in Senator ASHURST's amendment, with the development of storage and refrigeration as we have it now, could not such products come in during this duty-free period in quantities adequate to be taken from storage for weeks after the expiration of such duty-free period?

Furthermore, the period designated by the amendments to be proposed by Senator ASHURST—for duty-free entrance of tomatoes from December 1 to May 1, of peas and chick-peas from December 15 to March 15, and of vegetables in their natural state from January 1 to April 30—transgresses upon active periods of production and marketing of these commodities all along our southern border. During the months specified above the commodities named in the proposed amendments come into our markets in rather large quantities although perhaps the peak of our marketing period is not in the periods designated in these amendments.

But if the foreign products come in either duty free or at materially reduced rates as variously provided in Senator ASHURST's amendments there will be such a flood of importations that the price will be at a low level when the United States product does enter the markets in big quantities.

The entire principle of seasonal tariffs on farm products has been pronounced as being indefensible by all those farm organizations which signed the circular letter of September 8, copy of which you have. On page 8 of that letter you will find a specific mention of eggplant and cucumbers upon which the seasonal tariff is to be eliminated, and in another place on the same page will be found this statement: "We oppose the adoption of a seasonal tariff on agricultural products."

We are making a great fight now to get adequate rates of duty on farm products. If we allow the principle of seasonal tariffs to be made operative on farm products, this principle will grow in subsequent years so that the year-round market will not be protected for the American farmer but merely that portion of the market in which our products most generally are marketed and with a seasonal tariff under a market condition which has been broken down by the free or nearly free importation of competitive foreign crops introduced into our markets just ahead of our products.

I trust you will do everything possible to prohibit seasonal tariffs on any farm commodity and to remove those which are now in the Senate bill on eggplants and cucumbers.

Very respectfully,

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY,
Washington Representative.

Mr. TRAMMELL. Mr. President, I shall not take any great length of time. I think it must be very apparent to every Member of the Senate that the amendment which is proposed is discriminatory against Florida, and that it is a great departure from the policy which actuates the Senate in dealing with the tariff question.

Tariffs as applied, I dare say, to 75 per cent of the commodities which are embraced in the bill from various particular communities are not to the particular advantage of some other locality which will be required to pay the stimulated cost if the stimulated cost is carried into the commodity.

That is true in the matter of wheat. I thought of that when the Senator from Montana was speaking. Many of us voted for the debenture who live away south of where any wheat is produced. The only result that will come to the people of most of the Southern States if the debenture is effective will be to increase the price of wheat products. I could have said, "We do not propose to do anything that will help Montana and those

other States out west to produce wheat. We do not propose to do anything."

This is largely a fight between the American capital that has gone down into Mexico and has attempted to build up a vegetable industry in competition with American capital and with American labor, and the industry at home. That is the situation.

As I see it, upon one side are those, actuated I say, by honest motives, who would break down American industry and destroy American labor in order that American capital in Mexico might succeed and that the cheap labor of Mexico might be provided with a livelihood. If we withhold from the agricultural interests engaged in this enterprise in America, more particularly in Florida, as far as the early vegetables are concerned, a proper tariff, and destroy the industry in my State and in others that might produce early vegetables, then the entire country must pay tribute to the Mexican farmer and American capital operating in Mexico. If we are to be actuated only by selfish motives toward our own States, then we would have arrayed against turning over the market in early vegetables to Mexico the great central part of our country, all the great central part and all the southern part, because the people in those sections would have to pay more transportation charges to bring those products from Mexico into the central part of the United States and to the eastern and southern part than they would to carry them there from Florida or from some other Southern State.

That is the only conclusion we can draw and the only logic that is set forth, in the last reasoning, in the argument made by the Senator from Montana.

I have not had the idea about dealing with the problem of levying tariff duties the Senator seems to have. If I had had, every time a question came up as to protection upon some commodity or article that was produced in the western part of the country, perhaps three or four or five thousand miles from my State, which would possibly increase the cost to the people of my State, I would have said, "I would like to help you, I feel very friendly toward your part of the country, but this would make the people of Florida pay a little more for that article."

I have not been actuated by any such spirit as that. I have often voted for duties which, if they become effective in the price of the articles, would necessarily make those commodities somewhat higher to the people of my State. Most every Senator has done that. If we did not do that, we would be a free-trade Nation. That is all we could be.

I try to support tariff duties on the principle of what I consider to be for the general good of the country. I have supported a number of proposals in the interest of agriculture which could not be of any possible direct benefit to the people of my State. I hoped, however, that indirectly they would be benefited through promoting and fostering the general agricultural interests of the country, because I am a great believer in the idea that if we are to have general prosperity and permanent prosperity, necessarily agriculture must be prosperous, and if we do not have prosperity in agriculture, we are not going to have any prosperity.

On the other hand, in dealing with industries of a manufacturing character, and where great numbers of laborers are engaged, I feel that if I do not treat those industries fairly, and give them a reasonable amount of duty, the agricultural interests of the country, if the other industries are not prosperous, will not have a market for their product.

Therefore I feel that we have, I would not say, to give and take, but we have to consider all the industries in a fair, just way, and treat all as nearly alike as possible.

On the question of Florida's inability to furnish the market during the winter months with this particular vegetable, tomatoes, there have been more or less statistics produced here. Some of the most recent statistics were for the year 1927-28. That was the season before the past one. Let us take the month of December. The attempt is made to remove the duty during the month of December because it is said that Florida can not furnish all the tomatoes which might be purchased in this country at that time. I might with equal reason and with an equal lack of justice say to my good friend, the Senator from Arizona, that when he proposes a tariff of 7 cents on sea-island cotton—and I am going to support it—I will not vote for it because America does not produce, and Arizona does not produce, enough sea-island cotton to supply the demand in the United States; and it does not.

Yet the Senator is asking for a 7-cent duty on that commodity, and Arizona and one or two other States in the Union are the only States that produce it. My State formerly produced it, and may again, South Carolina produced a little, but under the amendment of the Senator the price of cotton to the whole American people would be stimulated by a 7-cent tariff.

If we are actuated by selfish motives, and do not believe in preserving the individual units of agriculture throughout the country, and will not conserve any of the units except those that permeate the entire country, and reach into every section and reach all our people in their benefits—if we are going to follow that policy, we should not do anything for sea-island cotton.

There are many units of agriculture which are in the same situation. If protection is going to be withheld from them because some few people might have to pay a little more for the product, we would not have protection for many of the agricultural products of the country. I do not know of any agricultural product which would be protected if that were the case.

Cotton and wheat are the largest products in the country. There are more people who are consumers of those products than there are producers. Therefore if we are going to consider the question from an absolutely selfish viewpoint and measure it only in dollars and not in general prosperity, we had better withhold protection from wheat and from cotton, because standing out yonder on the other side is the great army of consumers of the country who have to pay whatever stimulated price is added by legislation to those extensively grown products.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Texas?

Mr. TRAMMELL. I yield.

Mr. SHEPPARD. May I suggest that the same argument applies to wool?

Mr. TRAMMELL. Certainly. I think the question is so plain that we all understand it. I am answering an argument which I think is illogical and really has no place in dealing with the question of a tariff. If it has, then we must go back and reorganize and do the whole thing over again because no such policy has ever actuated us before in dealing with rates of duty on the different commodities.

Let me refer now to the statistics on tomatoes from Mexico and Florida. Some would have us believe that there are no shipments from Florida during December. The statistics show that in December a year ago there were 286 carloads shipped from Florida compared with 273 carloads from Mexico. That shows Florida's ability to produce during December. In January, Florida shipped 460 carloads and Mexico 397. In February, Florida shipped 302 carloads and Mexico 287. In March, Florida shipped 535 carloads and Mexico 800-odd.

It is very clear from the statistics that during the months when it is intended by this provision to suspend the duty, Florida does market a considerable quantity of this vegetable, and as a matter of fact if it were not for the competition from Mexico the crop could be largely increased. There are millions of acres of good tomato land in the State that could be utilized. Mexican and Cuban competition have very largely hampered the expansion and enlarging of the tomato-growing industry in Florida during the last three or four or five years. Our people have been drawing back instead of expanding.

On the other hand, American capital is going into Mexico and is being expended there for the purpose of driving people in the United States out of this industry. If we do not get proper protection, our people will be driven out of the industry, and while it would be very convenient for our friends in Montana, Wyoming, and the Northwest to buy tomatoes from Mexico, it will not be very convenient for the people in the other sections of the country, and particularly the eastern section of the United States, to buy tomatoes from Mexico.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. TRAMMELL. I yield.

Mr. BARKLEY. The statement has been made, though I do not know whether it is accurate, but probably the Senator can tell me, that during certain months of the year tomatoes are imported into Florida from other States. I should like to inquire if that is true, and, if so, what the months are and what effect that would have upon the application of a seasonal tariff?

Mr. TRAMMELL. There might be a few tomatoes imported along in the latter part of the summer. Florida's production is principally in December, January, February, March, April, May, and into June. If Mexican and Cuban competition do not drive us out of the market, our heavy shipping season is usually along about March and April; but when they begin to get into the market with 1,200 to 1,400 carloads of tomatoes a month along about March and April the Florida-grown tomatoes rot in the field because we are unable to ship them on account of that competition.

There is a very small part of the Mexican crop that is sold in the West. The biggest part of the crop is sold in the central part of the country and the Middle West, beginning with Chicago, and eastward into New York in competition with the eastern market. If it is desired to draw a line and say, "We will let Florida tomatoes be confined to the East and the South, and Mexico will be confined to the West with their tomatoes," that would be all right. It would be contrary to the principle which runs all through the tariff bill, however. But if they would let our market alone, we would go along very well with the eastern market and the central market. We are far nearer to Chicago than is Mexico.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Kentucky?

Mr. TRAMMELL. I yield.

Mr. BARKLEY. I have no preconceived notions about the matter and I am seeking information merely. How does the season during which Florida imports tomatoes compare with the season during which Mexico exports them into the United States?

Mr. TRAMMELL. The months of January, February, and March are the months to which the Senator probably refers. I just read the statistics. These are actual statistics taken from the report of the Department of Agriculture.

Mr. BARKLEY. I assumed that if it be true that there are two or three months or more during the year when Florida does not produce and ship out tomatoes, that would be in the latter part of the summer, probably July, August, and September. How do those months compare with the season of the peak shipment of tomatoes from Mexico into the United States? In other words, when Florida is not producing tomatoes, is Mexico producing any?

Mr. TRAMMELL. No; Mexico is not producing any then, either. The season expires in July in Mexico and a little later in Florida. According to the statistics, April is a very heavy month in Florida and in Mexico, too, but in May Mexico begins to decline, while Florida holds up. Florida shipments increase all during the month of May and are pretty heavy up until the middle of June. Growers in whom I have confidence tell me that Mexico has crowded them out in Boston, Philadelphia, and Chicago along during March and April very largely, and then when those markets get through with the Mexican demoralization of prices in those centers they begin to ship more from Florida. They are bound to ship more all the time, but producers in Florida have been letting their tomatoes rot in the field because they have been crowded out of the market by the Mexican product. Mexico gets through with the bulk of her crop about a month earlier than we do in Florida, I believe.

We ask that this seasonal discriminatory proposition be not adopted. If it is going to be adopted, then we need a little study over the tariff bill on several other items to see if we should not apply similar seasonal provisions to some other items. If also we adopt the policy of considering whether or not we should make it convenient for one or two States to have in close proximity some foreign market and not give any protection to products that happen to be involved there, then the whole bill should be revised and that spirit should run throughout the bill.

Mr. BARKLEY. Mr. President——

Mr. TRAMMELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. Of course, we all realize that the tomato is a peculiarly perishable vegetable. I understand that even in cold storage it will not keep longer than 30 days on the average. Is that statement correct?

Mr. TRAMMELL. I think that is correct.

Mr. BARKLEY. Of course, that being true, is it quite fair to compare this situation with other agricultural products that may be kept indefinitely?

Mr. TRAMMELL. It depends a good deal. If I can get some product that is nonperishable into my business establishment in Florida cheaper from some foreign country than I can obtain the same product for from Montana or Illinois or New York, unless the particular product of those States may have a protection on it, then I might say that I am not going to favor any tariff on that product, because if we keep this country free from a tariff on that product my people in Florida can purchase it at a lower price. I might say, therefore, I will not favor putting a tariff on wheat or wool or some other product because the people down in my State, so far as my people are concerned, can get that commodity cheaper if we do not have that duty on it. But I have not looked at the tariff bill in that way.

Mr. BARKLEY. I am not desiring to get into any controversy over the fundamental treatment of all agricultural products in the same way in so far as their condition will permit. I was simply inquiring whether the fact that this is a peculiarly perishable product ought to be considered in determining whether there should be a seasonal tariff placed upon it. I am frank to say that I am not enamored at that method of levying taxes. Should it weigh to any extent in determining how much of a tariff ought to be placed upon it?

Mr. TRAMMELL. I do not think that it ought to at all. If you withhold the tariff you will destroy a great agricultural interest in America. It is located, of course, in a limited territory, but that is true of many agricultural interests in the United States.

Mr. BARKLEY. The tomato is produced in very wide areas throughout the country at the season when it is possible to produce it. We raise very large quantities of tomatoes in my own State and have many canners in Kentucky who can them and process them for foodstuff during the whole year—that is, I mean they utilize the tomato during the tomato season to make it possible for people to consume them during the whole year. However, I am not very well advised as to the peculiar situation in Florida. I understand the Senator to say there are millions of acres of land there that could be used for the production of tomatoes.

Mr. TRAMMELL. Oh, yes.

Mr. BARKLEY. Does the Senator mean that by the reclamation, if that is the proper process, of those millions of acres tomatoes could be produced all the year round or simply produce more of them during the season when they can be produced?

Mr. TRAMMELL. We could not produce them all the year round. No kind of fruit can be produced all the year round, yet we do not withhold a tariff from them for that reason.

Mr. BARKLEY. I think probably the State of California would have to be excepted from any ordinary rule as to limitation either of product or season.

Mr. TRAMMELL. There could be a great deal more produced than we do produce now in Florida. The acreage has been contracted somewhat since this competition has become so menacing and so threatening to the tomato-growing industry there. All during the months of the early season Florida could easily produce as many tomatoes as are now being produced by Florida, Mexico, and Cuba combined. There would be no question about that. There are great quantities of suitable land in cultivation in the extreme southern part of the State and the people do not engage in the industry because it has not been profitable during the last few years. Our people trace that condition to competition from Mexico. Of course, they would not get the 2½ or 3 cents a pound duty.

I think that on perishable commodities we can not always carry the duty of the tariff into the price as effectively as it can be done upon staple nonperishable products or upon manufactured products. They go into season at a certain time and we have a congestion in the market. We have constantly to contend with that in the production of perishable products. But it would be of assistance to have this industry centralized and controlled and dominated in America, instead of having it centralized, controlled, dominated, and protected in Mexico and operated by American capital there.

The brief which was filed here by my good friend from Arizona was compiled by a farmer in Mexico, an American who took his money down there to engage in the industry, and then, for a pastime, exports his own products and all the other products he can secure and talks about selling them in Chicago and in New York. I never heard him talk about the market in Arizona or in Montana; but he referred to what the Mexican product sells for in New York and in Chicago. If we are going to draw the line as to whose market that is, I say it is an American market; but if we are going to draw the line, and contract it in that way, I would say that it is Florida's market, and Mexican products should stay away from there, because it is three or four thousand miles from Mexico to those markets.

I trust that the amendment will be defeated. We feel that Florida should be treated just as all other States are treated, and that agricultural products in that State should be treated the same as are all other agricultural products.

Mr. HAYDEN. Mr. President, there has been no showing made to the Senate that a duty of 3½ cents a pound is necessary to equalize the difference in the cost of production of tomatoes in Mexico and the United States. As a matter of fact, it is of record that it costs more to produce tomatoes capable of being shipped to the United States in Mexico than it costs to produce tomatoes in the United States.

The tomato industry existed in Florida long before the enterprise was started on the west coast of Mexico. If Florida could have supplied the American market, that industry never would have been started in Mexico. In truth and in fact, Florida has

been unable to and can not supply the American market during the winter months. If Florida could do that, the Mexican industry could not exist for a single season.

Just look at the map of the United States. Florida is nearly 2,000 miles nearer the great American consuming market for tomatoes than is the west coast of Mexico. I refer to New York, New England, Chicago, Cincinnati, St. Louis, and other similar cities where the bulk of the population of the United States lives that consumes tomatoes. If Florida could supply that market, being 2,000 miles nearer to it, with a rail haul so much shorter, the Mexican competition could never have existed.

There has been no allegation made to the Senate at any time that the competition has been in price, because it has not been in price. The Mexican tomatoes have never undersold the Florida tomatoes in the American market. The Mexican tomatoes have commanded a higher price, because they are a better winter tomato. Florida in some years can grow a good crop of tomatoes, while in other years that State can not. What the Florida growers are saying to the Congress is that once in a few years they may be able to produce a sufficient crop in the winter to supply the American market, and, therefore, for the other years, when they are incapable of supplying that market, the American people should pay an extortionate price for their tomatoes. That is the exact situation so far as this particular tariff rate is concerned.

Mr. HARRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Georgia?

Mr. HAYDEN. I yield.

Mr. HARRIS. I ask the Senator why it is that it costs more to raise tomatoes in Mexico, when cheap Mexican labor can be had there for from one-sixth to one-third of what it costs in the United States?

Mr. HAYDEN. It is because the tomato is very perishable, and although a bushel of tomatoes can be grown on the ground in Mexico cheaper than it can be grown in the United States, that bushel of tomatoes must be culled, and only the very best and most perfect fruit selected. That is the only kind of fruit that is shipped, and that fruit put on the train costs more per bushel than a bushel of tomatoes originally produced in Florida. The price that the American people pay for Mexican tomatoes is not the first cost, but in addition the freight rate.

If we are looking out for the interest of the country, as a whole, consider this factor: This industry, established on the west coast of Mexico, is producing tomatoes that are placed upon trains and then shipped to the United States. More money is paid to the railroads of the United States for hauling those tomatoes than is paid to the growers of the tomatoes in Mexico. So if we are looking out for the interests of the country, as a whole, we are taking away labor from the railroad men who operate the trains that haul this fruit in order to maintain a situation as it is hoped will exist in Florida.

Let me make this perfectly plain. They were growing tomatoes in Florida long before the Mexican enterprise was ever established, and if Florida could have supplied the American market it would have been utterly impossible to establish the industry in Mexico, because Florida has, as I say, nearly 2,000 miles the better of it in the rail haul. However, Florida was unable to furnish the needed quantity of first-class tomatoes.

In this very year there were planted in Florida for the winter market 4,000 acres of tomatoes. I have here a report from the Department of Agriculture which says that the recent storms and floods in Florida destroyed that planting, and that there are only 200 acres that will be available for production in the area described in the report. I read from Southeastern Truck Crop News No. 2, issued by the United States Department of Agriculture on October 26, 1929, which says—

> Tomatoes: The entire fall plantings of tomatoes on the east coast were drowned out with the exception of a few scattering acres (150–200 acres), which are reported to have survived.

It is shown in this report that 4,000 acres were planted but that only 200 acres will be able to produce tomatoes in that area. That is what has happened in Florida. Every few years there is a storm, a frost, or something else happens to the tomatoes in Florida, so that they are not a certain crop. If they were a certain crop, if Florida could supply the American market, the Mexican industry, as I have said, never could have even been started.

Mr. FLETCHER. Mr. President——

Mr. HAYDEN. I yield to the Senator from Florida.

Mr. FLETCHER. I merely want to say we did have a disaster there this year; there was a heavy downfall of rain and some floods; but tomatoes are grown elsewhere than on the east coast of Florida. The statement the Senator has read refers particularly to that section around Miami, an area on the east coast. Tomatoes are also grown on the Gulf coast, on the west coast, in Manatee County; and, besides all that, they have been replanted since that happened, and tomatoes will be produced on that very land.

Mr. HAYDEN. But not to supply the winter market.

Mr. FLETCHER. They will come along in January. They can produce vegetables there in 60 days.

Mr. HAYDEN. The point I want to impress upon the Senate is that when we impose this duty we are simply going to fix it so that the American people will pay more for the Mexican tomatoes or they will not get any tomatoes. The freight rates are a much higher protective tariff, so far as Florida is concerned, than any that could be levied by Congress. The geographical situation of the State of Florida, its proximity to the great eastern American market, is such that if Florida could supply the demand for winter tomatoes they would do it. In any event, tariff or no tariff, they have been unable to do it, and the answer is that this proposed tariff will not benefit the grower in Florida. It is wholly unnecessary to impose such a duty and we believe that the rate should be reduced during the winter season.

Let me add, Mr. President, one other statement. I recently wrote the Secretary of State asking him to make inquiry of the American consul on the west coast of Mexico as to what the effect of this proposed tariff would be with respect to our trade with that country. I am not going to take the time to read the consular report to the Senate, but I do want to include in the CONGRESSIONAL RECORD a report made by the United States consul at Mazatlan, in which he points out if the area now planted to tomatoes on the west coast of Mexico is diverted to other crops that probably the substitute crop will be cotton. So that, instead of having a tomato competition, we will have a cotton competition, which will adversely affect the American cotton farmers. The land in Mexico will be farmed. There is no tariff on cotton and no likelihood of there being any, so far as I am now advised. The cotton so produced can be shipped, and probably will be shipped, to England and to Germany, and the trade following the shipping will probably be such that America will lose the business on the west coast of Mexico that we now have if Congress imposes this tariff. I ask unanimous consent to include in the RECORD the report to which I have referred.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report is as follows:

DEPARTMENT OF STATE,
Washington, November 8, 1929.

The Hon. CARL HAYDEN,
United States Senate.

SIR: Referring to your letter of September 24 and to my reply of October 3, 1929, regarding the request of Mr. A. W. Morrill for certain information concerning the possible economic effect of the elimination of the Mexican west coast vegetable industry by a tariff embargo or other means, I have pleasure in quoting the following statements contained in a report submitted by the American consul at Mazatlan, Mexico, under date of October 18:

"After careful study during the past six years that I have been stationed at the consular posts of Guaymas and Mazatlan I feel that the west coast of Mexico is to-day one of the main sections, if not the most important section, of the Republic of Mexico, from an agricultural viewpoint, and its prospects for the future may be compared with those of our southern California. The State of California possesses approximately the same area as the territory called 'west coast of Mexico,' California having 155,980 square miles, as compared with 154,000 square miles in Sonora, Sinaloa, Nayarit, and a small part of Durango, which is under the zone of influence of the Southern Pacific of Mexico Railroad, that parallels the west coast of Mexico. I do not believe that there is any better authority on the possibilities of the west coast of Mexico as an agricultural section than Mr. P. L. Bell, former United States trade commissioner, and author of Special Agent Series No. 220, Mexican West Coast and Lower California. Mr. Bell in 1923 made a thorough survey of this coast. It is his view that in respect of topography, climate, native races, history, and development, the west coast is comparable with southern California. On page 97 of the book the similarity is explained in detail. The predictions set out in Mr. Bell's book are beginning to materialize from an agricultural viewpoint, notwithstanding the fact that Mexico has been ravished by revolution and prohibitive laws under which pioneers of the fresh-vegetable industry have had to labor.

"The proposed tariff of 3 cents a pound upon imported tomatoes passed by the Lower House of Congress already has produced unfavorable trade results for American manufacturers of agricultural machinery and implements. Several large firms handling United States manufactured implements have given up their agencies. One former large dealer of American agricultural implements has even placed an order with a German manufacturer for implements of the kind which he pur-

chased from the United States prior to the passage of the proposed tomato tariff. It is reported that European machinery and implements are already moving from England and Germany to the Mazatlan consular district. In order to show the prominence of the west coast of Mexico in the purchasing of American manufactured products I may state that in 1920 the exports from the west coast of Mexico were practically nil, while in 1929 notwithstanding the destruction of railroads by revolution the production of winter vegetables was something over 6,000 cars. This has come about through the introduction of American agricultural machinery, American capital, American agricultural experts, and American transportation facilities. If one will analyze the fresh vegetable industry in Mexico, it will be found that the seed is purchased in the United States, likewise the implements and the tractor, the insecticide, the truck, the paper for wrapping the tomatoes, the shook, the nails, the railroad, and the financing and supervision are American. Between 60 and 75 per cent of the vegetables in the west coast of Mexico are produced by Americans. One hundred per cent are marketed through American channels.

"Mexicans engaged in working the fields will naturally consume more and better articles of food than if there were no market for the products raised and it were necessary to turn to a more stagnant and slow-moving crop. This would particularly affect packing-house products, for it is widely known that the Mexican is a great consumer of lard and meat products and will spend a great part of his earnings on food delicacies. Not only packing-house products, but also agricultural implements, machinery, automobiles, tires, boots and shoes, and, in fact, a large number of manufactured articles of the United States are materially affected when the agricultural pursuits of the west coast of Mexico are decreased for lack of a market.

"In answer to question 2 of Senator HAYDEN's letter, I refer to a report prepared by this office on August 7, 1929, on the probable change of plantings on the west coast of Mexico caused by the tariff discussions and passage by the lower House on tomatoes. The consulate has reliable information that the tomato crop this year will be reduced 50 per cent and that there are now scientific investigations under way by specialists imported from the United States to ascertain the possibilities of cotton. There are at present about 20,000 acres in cultivation. In Sinaloa plantings will be made in November and in Sonora in February, March, and April. Growers and landowners throughout the district say that if they are prohibited from raising fresh vegetables they intend to turn to cotton and that there are ready markets in England and Germany, from which countries they will also buy machinery.

"Several traveling representatives of United States manufacturers of agricultural machinery and implements and tractors who cover this territory report that the growers of fresh vegetables whose market will be destroyed by the proposed tariff are already advocating a general boycott on farming machinery and implements produced in the United States. They further state that some of the dealers, sensing public opinion, have already given up their agencies of American products and are negotiating for European representations.

"In conclusion, I believe it is safe to say that this west coast of Mexico, with its 14 fertile river valleys, the majority of which are yet undeveloped, would be a serious competitor to the cotton growers of the United States if its lands were turned to that industry. It would furthermore be completely independent of the United States, since there is water and rail transportation to carry its products to Europe."

A copy of the report submitted by the consulate at Mazatlan under date of August 7, 1929, entitled "Immediate effects of recent tomato tariff," referred to in the consul's statements quoted above, is inclosed herewith as of possible interest.

Very truly yours,

L. P. COTTER, *Undersecretary.*

IMMEDIATE EFFECTS OF RECENT TOMATO TARIFF

[From (signed) Waldo E. Bailey, American vice consul in charge, Mazatlan, Mexico. Date of preparation, August 7, 1929. Date of mailing, August 10, 1929.]

REDUCED TRADE

The recent tariff of 3 cents a pound upon imported tomatoes passed by the Lower House of Congress already has produced unfavorable trade results for American manufacturers of agricultural machinery and implements. Several large firms handling United States implements have given up their agencies. One former large dealer of American agricultural implements has placed an order with a German manufacturer for implements of which kind he purchased from the United States prior to passage of the tomato tariff. European machinery and implements are already moving from England and Germany to the Mazatlan consular district.

MORE COTTON

Tomato growers of the State of Sinaloa have decided to reduce acreage 50 to 75 per cent and plant that land in cotton. Scientific investigations of the cotton potentialities of Sinaloa are under way by specialists imported from the United States. The present crop will be gathered before October 1 and another planting made in November.

EUROPEAN MARKET

Growers in this district say their best market will be England, from which country more tractors will be imported. The general belief appears to be that the English tractor (Fowler) is better adapted to cotton culture than the American or any other type of machine. To square the trade account the fiber will be exported to Europe.

THREATENED BOYCOTT

Traveling representatives of United States manufacturers of agricultural machinery and implements who cover this territory minutely report that the growers of fresh vegetables whose market will be destroyed by the proposed tariff are already advocating a general boycott of all farm machinery and implements produced in the States. They further state that some of the dealers, sensing public opinion, have already given up their agencies of American products and are negotiating for European representations.

It is a conservative statement to say the feeling in agricultural circles is bitter toward the United States because of the recent tariff legislation, which they feel sure will pass the Senate in Washington.

The increased cotton acreage will also mean, in the opinion of several prominent growers, more German plows and disk harrows, which they claim are better and cheaper than American ones.

SOURCES OF INFORMATION

J. M. Tarribe, representative to local Legislature of Sinaloa and large tomato grower.

Traveling representatives of American manufacturers of agricultural machinery.

Mazatlán business men.

Charles Levin, Division Traffic Manager, Southern Pacific of Mexico.

Mr. CONNALLY. Mr. President, it seems to me that to adopt the seasonal provision proposed by the Senator from Arizona would be tantamount to adopting no tariff at all on tomatoes. The case of the Senators from Florida appeals to me very keenly. It has been argued by Senators that if we put a tariff on tomatoes we are going to increase the price of tomatoes. Of course we are. When we put a tariff on anything, if it is effective it is going to increase the price. However, winter tomatoes are a luxury; the tariff is a luxury; all these rates we have been adopting are luxuries. We have been adopting rates here on items of which we produce less than 1 per cent of our consumption. Why? Because somebody wanted to raise the price. That is what the tariff is for—to raise the price. If we are going to tell the Senators from Florida that we are going to permit tomatoes from the west coast of Mexico to be imported free in the winter months, we might as well wipe out the tariff on tomatoes.

Yet in the next line of the bill we solemnly proclaim that we are going to give a tariff rate of 50 per cent on canned tomatoes. It is all right to charge 50 per cent the year around on canned tomatoes, which the common man eats, but on the strictly seasonal tomatoes we say, "Well, we will not have any tariff, because Florida can not fill the American market."

Let us see. I have not thoroughly investigated this question, but the Senator from Florida [Mr. TRAMMELL] gave me the following data which he has collected from governmental sources. In December Florida shipped 286 cars and Mexico 273 cars. In other words, Florida produced more tomatoes in December than did the west coast of Mexico. That presents a striking illustration of one schedule in which a tariff rate can be made effective.

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

Mr. CONNALLY. I yield.

Mr. HAYDEN. To complete the picture the Senator should state to the Senate that the price paid by the American consumer was much higher for the Mexican tomato than it was for the Florida tomato in those same months, because of the superior quality of the Mexican product.

Mr. CONNALLY. I will say to my friend the Senator from Arizona that if the Mexican product is so much superior to the American product it ought to pay 3 cents a pound more. That is the tariff rate; that is the rate which is provided.

Mr. TRAMMELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Florida?

Mr. CONNALLY. I yield.

Mr. TRAMMELL. I think the Senator is eminently correct. If the Mexican tomato is superior, it ought to pay more.

Mr. CONNALLY. Certainly.

Mr. TRAMMELL. But there is nothing at all in that; that is just a concoction gotten up by American capital that went down there to raise tomatoes for the American market; that is all there is to it.

Mr. CONNALLY. I knew the Senator would not agree to that statement; I knew, of course, that he would not agree that the Mexican tomatoes are better than the Florida tomatoes.

Mr. President, I was on the subcommittee that held hearings on this schedule. We went into this matter rather thoroughly. While the Democratic members of the committee were excluded when the question went to a vote, the Committee on Finance has left the rate at 2½ cents instead of 3 cents without any seasonal provision in it, and it seems to me that at least the committee's action ought to be allowed to stand.

We hear about the selfishness behind it. There is selfishness in all these tariff rates. If we are to look after the consumer, as suggested by the Senator from Arizona, if it is our business to look after the consumer, this session of Congress ought never to have been called.

The Senator from Idaho [Mr. BORAH] looks like he is displeased at that statement, I suppose because the chief responsibility of this session of Congress rests on his shoulders. [Laughter.] But, Mr. President, if we were here to represent the interest of the consumer we would adjourn without passing this tariff bill, because everybody knows——

Mr. BORAH. The Senator does not mean that exactly. We ought to repeal the present law.

Mr. CONNALLY. I will say to the Senator that I have not much hope of this tariff bill in its finality improving the present law much. I know that it contains the debenture, and I favor the debenture. I know that it contains the provision eliminating the flexible tariff and taking it out of the hands of the President, and I favor that provision; but optimistic indeed must be the soul who believes that we shall ever be able successfully to get those two things written into law.

Why, the Old Guard over there has already surrendered, left the field, and said: "Take the bill. Make it any way you want to." What is its purpose? Its purpose is to let this bill be prepared in almost any fashion that the Senate desires to see it prepared and then send it to conference, and there is a man waiting for it in the conference with a blackjack.

They expect to assassinate this bill in conference unless they take out the debenture and unless they take out the flexible provision which the Senate substituted for the existing law. The House will not agree. They plan to rewrite the bill in conference and then whip it through the Senate.

I am not on the inside of any of these conferences, but that is my belief as to the plans now formed. This bill has a long, rocky road to travel. It has a lot of detours and bog holes, and over in the neighborhood of the White House there is a bridge out. I am afraid the bill will never arrive at the destination desired by some Senators.

Now to come back to this subject:

Mr. President, here is an agricultural rate upon which the tariff can be made effective, because Florida alone produces more tomatoes within these seasonal months than the west coast of Mexico produces. Why should they not be protected? Why should we fail to protect tomatoes because they are raised in the wintertime, and protect everything else in the summertime? It costs more, I dare say, to raise tomatoes in the wintertime, even in Florida, than it does in the summertime.

What is the plea here?

We have two interests. We have some American citizens down in Florida——

Mr. McKELLAR. In Mexico?

Mr. CONNALLY. No; in Florida, I hope—some American citizens in Florida raising tomatoes, and we have some more American citizens whose allegiance is in the State of Arizona but whose bodies and pocketbooks are down on the west coast of Mexico. That is the whole issue here. The men raising tomatoes on the west coast of Mexico want to get them in free. Half a cent a pound is practically free. Why? It is not because they are concerned about the stomachs of the people up in Montana or in some other place that can only be satisfied by winter tomatoes. It is because they want to make more money out of those tomatoes. Is not that a fact? We have some more men down in Florida who want to make all the money they can out of their tomatoes. That is the issue. Now, I am not a high protectionist; I do not believe in it; but I believe that if we are going to apply the protectionist principle we ought to apply it all the way around, and we ought not to say, "We will apply it everywhere except right here on this particular point, the west coast of Mexico."

I do not see any reason why Florida should be punished in the wintertime. Everybody knows that tomatoes are worth more in the wintertime than they are in the summertime. You would rather have ice cream in July, would you not, than in January? It is worth more; and I submit that if the Senate is going to adopt an agricultural tariff, here is one place that it will work. Here is one place that it will fit.

I want to tell you right now that if you help the farmer by raising his price, the man who eats the food is going to have to pay more; and if the Senator from Montana gets more money from his cattle out in Montana, somebody somewhere that eats a beefsteak is going to have to pay more for it. But if we are going to operate the tariff, let us operate it all around. Let us make it apply everywhere.

I heard the remark of the Senator over here, and if he wants a reply to it I will reply to it. Somebody whispered something about shingles. No; I did not vote for a duty on shingles.

I do not want to burn up and consume all of our shingles here at home, cut down all the trees, and encourage the foreigner to keep his trees against the day of necessity when we will want them and will need them; but I do believe in protecting the man whom everybody pretends to want to protect, who is out in the tomato field or in the cotton patch or in the tobacco field, crawling along on his hands and knees, reading the paper about "Congress going to give us farm relief," and "Congress has an agricultural tariff, and we are going to get something for nothing." I do believe in helping that fellow when we can really help him legitimately by the forms of help that we are professing we are going to use.

Now, of course, nearly all this talk about helping the farmer with the tariff is buncombe, because most farm products are produced in surplus amounts, and we ship them abroad. Everybody knows that we can not help the farmer on wheat when we raise more wheat than we consume. Everybody knows that we can not help him on wheat when wheat is selling for more across the Canadian line in Canada than it is in Minneapolis. Everybody who knows anything knows that we can not help him by giving him a tariff on oats, although we raised the tariff last night 1 cent on oats. Nobody, not even an animal, would know the difference between oats with a 15-cent tariff and oats with a 16-cent tariff. There is no difference.

Mr. President, everybody knows that we can not help the farmer with a tariff on corn.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Montana?

Mr. CONNALLY. I do.

Mr. WHEELER. The Senator spoke about animals knowing the difference between oats and something else. Of course, according to the present occupant of the chair, we have some animals in this body that know the difference between oats and other things.

Mr. CONNALLY. I will say to the Senator from Montana, and with all due respect to the occupant of the chair, the Senator from New Hampshire [Mr. MOSES], that I think injustice has been done the occupant of the chair in criticizing his motives in the use of that term. The present occupant of the chair, the Senator from New Hampshire, did not mean any offense when he described the insurgent Republicans as "wild jackasses." The jackass is a great animal. The jackass is a beast of burden; he symbolizes toil and useful, productive labor; and when he is docile and tame and goes along and performs the tasks that his master imposes upon him, when he responds to the lash and pulls a little harder, his master is pleased and has a kind word for him.

Mr. NORBECK. Mr. President——

Mr. CONNALLY. Just a moment; I shall yield to the Senator in a moment. The tame jackass is all right. It is only when the jackass becomes wild, when he gets his tail over the dashboard and his leg over the trace chains that he becomes an object of derision and an object somewhat of contempt. He is no longer useful. He becomes a care.

What I think the Senator from New Hampshire meant when he said "wild jackasses" was that he knew some of our friends, who, by their faithful toil to the masters of the Republican Party, had been within that term all the time, except that they have not been wild until this session. They have been bearing the burdens of the Republican Party all these years. As long as out in the Northwest they voted for high tariffs and then paid for them, as long as they went along docilely and kindly and subserviently, they did not offend the Senator from New Hampshire; but when they came down here at this session of the Congress and kicked loose from the traces, and announced that they did not propose to march in the procession led by the Senator from New Hampshire, then and only then, did they incur his ill will, and receive the denomination of being the "sons of wild jackasses."

Mr. DILL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Washington?

Mr. CONNALLY. I yield to the Senator.

Mr. DILL. The Senator has made such an excellent discourse on that term that I wonder what he thinks of the Young Turks that have recently organized.

Mr. CONNALLY. The Young Turks led by the Senator from Michigan [Mr. VANDENBERG]?

Mr. DILL. Yes.

Mr. CONNALLY. Well, I do not want to get off the subject. I really desire to talk about winter tomatoes now; but I did see a notice in the paper this afternoon that announced the birth of a new bloc, the young——

Mr. DILL. The Young Turks.

Mr. CONNALLY. That was not what they called themselves.

Mr. BARKLEY. The Young Guard.

Mr. CONNALLY. The Young Guard. I saw that, and I was amused when I read it, because it was the first notice I had that there was any such organization in the Chamber.

I noticed that it was captained by the Senator from Michigan [Mr. VANDENBERG], and I see him here now on guard, watching this night session. I hope the New Guard will be able to stiffen the lines of the Old Guard, because I can see in my mind's eye now that famous Old Guard of history as it camped around Moscow, and then turned on its retreat back through the blasts and the snows, disorganized and dismayed, and it looks to me like the Old Guard in its present plight is in similar rout and confusion. Perhaps the New Guard can put a little stiffening in it. We may then fight it out face to face. But to come back to this tariff on tomatoes:

Here is one point, Mr. President, where we can help the farmer with a tariff, because this tariff will be effective; and I want to know if the Senator from South Dakota [Mr. NORBECK] does not believe that when we can help the farmer by making the tariff effective it ought to be put into effect, so that he can get some profit out of the tariff. He is going to have to pay for most of the tariff; but here is the place where he can get a little of it back, and I believe we ought to give it to him.

The Senator from Montana [Mr. WALSH] inveighs against this duty because he says they can get tomatoes from Mexico because it is closer to Montana. I wonder if he wants to apply that doctrine along the Canadian border, and bring in all Canadian products and dump them on Montana. I do not think he would subscribe to that. Of course, these winter tomatoes, if we put a tariff on them, are going to cost the consumers a little more. So is steel, and so is woolen clothing, if we put a tariff on them, and so is sugar, and so is every other item in this bill. Wherever it is effective it is going to cost somebody more, because we can not give something to one man without taking it away from another man.

I submit, Mr. President, that the two Senators from Florida have made a gallent fight in behalf of the winter tomato, and I believe they ought to have this rate. The Senator from Utah [Mr. SMOOT] knows that providing the rate of only one-half cent for a seasonal period amounts to a destruction of the tariff on fresh tomatoes, because that is the only season of the year, I understand, when they come in.

Now, let us see. They say that we can not produce them in this country in sufficient quantities. Well, Florida produced 286 cars of tomatoes in the month of December. If Florida can produce 286 cars, what is the reason she can not produce 486 cars, if she has the ground? I have not been to Florida since more than 30 years ago, but they did not have much else but ground when I was there. I believe you have the room there now to grow more winter tomatoes; have you not?

Mr. FLETCHER. We have.

Mr. CONNALLY. The Senator from Florida says they have. If they can grow that many in December—they grew 460 carloads in January. That shows that they can grow more in January than they can in December. Why can they not grow still more than 460 carloads in January? Why, they grew more in January than this great area on the west coast of Mexico, this marvelous area where tomatoes grow better and sweeter and finer than any other place on God's earth.

If they can grow them in February in Florida and grow 302 carloads, why can they not grow 602 carloads? For the simple reason that those who buy tomatoes will not buy the Florida tomatoes i. they can buy them cheaper in Mexico.

Mr. ASHURST. Mr. President, will the Senator from Texas yield?

Mr. CONNALLY. I yield.

Mr. ASHURST. I have admiration for the Senator's able and brilliant address, but does the Senator seriously argue here that any tomatoes from Florida come to any point west of the Mississippi River in December, January, or February?

Mr. CONNALLY. No.

Mr. ASHURST. Certainly not.

Mr. CONNALLY. Because you get them in Mexico, and that is what we want to stop you doing, unless you pay a fair rate of tariff.

Mr. ASHURST. We do not get them in Mexico; we do not have them at all.

Mr. CONNALLY. Of course, they do not come there now. Just as I was saying, the Senator is not going to buy a tomato from Florida when he can walk across the international line into Mexico and get it for less. But I dare say that the Senator from Arizona would not want to open up the copper mines and all other mines in Arizona, and all the other Arizona industries, to the products of Mexico.

Mr. ASHURST. Copper is on the free list, and we produce in Arizona one-sixth of all the copper of the world. It is on the free list.

Mr. CONNALLY. I only used that as one illustration. I said other products of Arizona as well. How about beef and wool? The Senator would not want to have people go across the line into Mexico to get those and bring them into Arizona free of duty.

These tomatoes are not produced in Arizona. I dare say, that if the Senator produced a large amount of tomatoes in Arizona, he would not want tomatoes coming over from Mexico, either.

I submit that this amendment to the Senate committee amendment ought to be voted down, and for once we ought to pay the chairman of the Committee on Finance the great compliment of standing by the work his committee has done.

Mr. HEFLIN. Mr. President, as I heard the eloquent speeches of the Senators from Arizona on this tomato proposition and contrasted those speeches and their position with the fervid eloquence employed here a few days ago for manganese, I could not believe that they were the same Senators.

The junior Senator from Arizona [Mr. HAYDEN] tells us that Florida can not supply the demand of the United States, and therefore she should not be aided.

The manganese industry can not now supply the manganese demand of the United States, but the Senator supported the provision to tax manganese coming into the United States, and I joined him in that just as I am going to join the Senators from Florida to-night in aiding an American industry against a foreign industry.

> That mercy I to others show,
> That mercy show to me.

These Senators talked on manganese the other day, and now they are about to be smitten hip and thigh on winter tomatoes. I want to suggest to the Senators from Montana and Arizona that if they will quit eating those Mexican tomatoes and eat more of these Florida tomatoes, it will be good for them. [Laughter.]

Mr. President, as I listened to these speeches to-night I thought of the tomato clubs the people have all over Florida. Boys and girls are joining them. Women and men are going about lecturing to them, telling them how to grow tomatoes, telling them that they should reach the time when they could supply the entire tomato demand of the United States. And all good Americans applaud the doctrine. But we are told by the junior Senator from Arizona that a storm has come down in Florida and has devastated a good deal of the area on which these tomatoes are grown, and, therefore, because misfortune has come we should abandon these tomato producers of Florida and turn a helping hand to the tomato producers of a foreign country.

I am opposed to that doctrine. I am asked if they can produce tomatoes cheaper than we can produce them. Perhaps they can. The soviet can send its school-teachers here, both men and women, who will teach both your children and mine cheaper than our American men and women can afford to teach them.

The Fascist organization, now walking impudently throughout the United States without a hand lifted to hinder them, will teach our children cheaper than our American men and women can teach them. But who wants them to invade the schools of America with their devilish doctrine?

I am for America first, and the day is coming when we are going to deport foreigners who have no respect for our flag, and who are intimidating so many weak public men in America to-day.

I am in favor of shutting out the cheap products of the peon and peasant labor of foreign countries and coming to the

rescue of the industrious men and women of the United States. I want to build up an industry along every line, and I want to hold the home market for the home people. That is my position on this question.

Mr. WALSH of Montana. Mr. President, this is not a question at all as to whether tomatoes shall have protection; it is not a question of the admission of tomatoes free of duty; it is a question of how much protection tomatoes shall have. It is a question as to whether the present duty upon tomatoes shall be increased 500 per cent.

The present duty on tomatoes is one-half a cent a pound. The Senate committee proposes to increase the rate to 2½ cents a pound, five times what the present duty is.

We have been twitted about manganese. What did we do about manganese? The producers of manganese came here and asked for a duty of a cent and a half per pound. Quite a few of us went to them and said, "Your request is rather high. You had better content yourselves with the present rate." What we did was to give manganese exactly the rate it has under the present law, except that we reduced the limit from 30 per cent to 10 per cent. The supporters of the duty on manganese were not here asking that the duty be increased 500 per cent.

Mr. President, I want to be fair with these people. I propose to increase the duty upon tomatoes 100 per cent, and I offer as a substitute for the amendment offered by the Senator from Arizona the following: To strike out "2½ cents," in line 1, page 143, and to substitute "1 cent." That eliminates the seasonal clause—the rest of the country does not amount to anything so far as tomatoes are concerned—and it relieves the amendment from the charge of sectionalism or discrimination. It gives the tomato producers a duty which, so far as any evidence produced here is concerned, is more than the difference between the cost of production here and in the competing countries.

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

Mr. WALSH of Montana. I yield.

Mr. ASHURST. I feel that I am indebted to the Senator from Montana for pointing, as he so frequently does, the true way out of some apparently inextricable difficulty. I am willing to approach this subject with the hand of compromise.

With considerable regret I am obliged, I presume, to yield to the overwhelming arguments respecting the opposition to the seasonal tariff. Surely here is now an opportunity afforded where we may reach a sensible, a sane, a fair conclusion.

All preconceived notions I have had, if any, I surrender. I think it is my duty to vote for this amendment of the Senator from Montana. It proposes, if he will pardon me further, an increase of 100 per cent on a staple food. My good friend the able Senator from Texas spoke about canned tomatoes. There is no home so humble in all America but where we find tomatoes. The housewife asks for them among the first foods with which to subsist her family.

The PRESIDENT pro tempore. The Chair understands that the Senator from Arizona withdraws his amendment in order to permit the Senator from Montana to offer his amendment.

Mr. ASHURST. I will do that.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Montana to the amendment of the committee.

Mr. TRAMMELL. Mr. President, as I recall, the present duty is one-half of a cent a pound. This proposes to increase it to 1 cent. There is talk about a hundred per cent increase. That sounds big; but when we reflect that the duty was only half a cent a pound before, it does not sound so big and does not amount to so much.

Our producers wanted 4 cents a pound; that is what they asked for; the House gave them 3 cents a pound, and there have been introduced here by my colleague statistics showing that the cost of production in Mexico is only 45 or 50 cents per crate for tomatoes, while it is $1.12 in Florida. That rate gives us very little protection.

Mr. WALSH of Montana. What is the difference in the freight rate from Mazatlan, Mexico, to New York, and from Jacksonville, Fla., to New York?

Mr. TRAMMELL. There is very little difference. Unfortunately, they get their stuff moved almost at the same rate. They certainly move them into the Middle West, to points like Chicago, as cheaply as we can take them there from Florida, although Florida is 1,200 miles nearer to the market. There is not much difference in that regard. Of course, away out West there is a difference.

As I before stated, and I am not going to reiterate it, all the products that come from the West to the East that might be obtained from some foreign country nearer by necessarily carry a greater freight rate than if they came from the foreign countries nearer by.

Mr. BARKLEY. Mr. President, are these tomatoes shipped to New York from the west coast of Mexico by rail or water?

Mr. TRAMMELL. By rail, I presume. I would have a little more sympathy, probably, for the question of the local market out there, if most of these products were shipped in from the East. They do not suffer much out there. If they got rid of the Mexican situation they would develop a real tomato industry over on the American side of the line, and they would have tomatoes produced out there close-by; but they would be produced over on the American side of the line.

I do not think the proposed rate would be sufficient at all. I hope the amendment will be defeated.

Mr. FLETCHER. Mr. President, the Senator from Montana uses the term "exorbitant rate," and talks about the percentage of increase. He begins with the assumption that the present law is sacred and final and the last word on the subject, and that any proposed increase above the present law is something outrageous.

The present law provided practically no appreciable duty. A half a cent a pound is not a duty worth while; you might as well take the whole thing out. The specific rate at a half a cent a pound would amount to about 20 cents a box or crate of tomatoes. The ad valorem rate at 2½ cents a pound would amount to about 70 cents a box. A little over 70 cents a box is provided as the duty on tomatoes on an ad valorem basis at the rate fixed by the House.

Mr. BARKLEY. Seventy cents per box of tomatoes delivered in New York is what percentage of the selling price per crate there?

Mr. FLETCHER. Of course that depends on the price. At certain times it is one thing and at other times it is another thing.

Mr. BARKLEY. Can the Senator give the average price of tomatoes in the New York market during the season when Florida is shipping them?

Mr. TRAMMELL. They sell from $2 to $3.50 per crate.

Mr. SMOOT. The rate per pound?

Mr. BARKLEY. No; per crate. There are 40 pounds to the crate, I understand.

Mr. FLETCHER. There are 40 pounds in the Mexican crate and 60 pounds in the Florida crate.

Mr. BARKLEY. What is a Florida crate weighing 60 pounds worth when it is delivered to the market in New York? What is the average price?

Mr. FLETCHER. From $2 to $3.50. The price varies and is influenced very largely by importations and competition.

Mr. BARKLEY. So that if a crate of tomatoes that sells at $3.50 in New York bears a tariff of 70 cents per crate, that would represent a 20 per cent ad valorem duty on the tomatoes.

Mr. FLETCHER. Yes. We have not been charging that duties on agricultural products of 60 or 70 per cent would be exorbitant. We have not figured that as an exorbitant rate on any other agricultural products. In this bill the products of industry have received high rates. For instance, steel has a rate of 62.2 per cent; worsted goods, 69.4 per cent; platinum, 106.6 per cent. We have not heard anything about exorbitant rates there. But when we ask for a rate of 70 per cent on tomatoes, then we hear talk about exorbitant rates on agricultural products. Millinery and lace goods bear a rate of 79.7 per cent fixed in this bill; men's clothing, 57 per cent; women's clothing, 71.6 per cent; glass, 69.5 per cent; and so on. The rates before us with reference to industry exceed in a great many instances the rate of 70 per cent that we ask for this agricultural product.

I am asking that the proposed amendment be disagreed to; I am asking that the Senate committee amendment be disagreed to; and that we stand by the House rate of 3 cents which, as my colleague said, is 1 cent a pound less than the growers have asked for in this industry.

Mr. SHEPPARD. Mr. President, may I suggest that in speaking for tomatoes the Senator is not speaking for one State alone. Many other States produce tomatoes. Texas produces them. Texas alone could produce enough to supply the American market. I trust that the committee amendment will be rejected.

Mr. GLASS. Mr. President, I want to make a single observation and that is that the significance of all this debate is that no one rises in the Senate to speak for the people who eat tomatoes. No one rises in the Senate and concedes that there is such a thing as a consuming public in America. It is always the industry that is to be protected. We are actually referred to exorbitant rates on steel and wool, and rates in the industrial schedules as fair examples for the rates in the agricultural

schedule. Instead of reducing the rates so that the consuming public may have some show, we are urged to raise the rate in this paragraph because the rate in some other paragraph or some other schedule is comparably high. The consumer does not stand one chance on earth here in this body, and no single Senator has risen in his place to speak in the name of the great consuming public.

Mr. HEFLIN. Mr. President, my heart has been deeply touched. I have just been told something that touched me deeply. I had no idea that the Senate would do it, but I am told that they have given a higher rate to mushrooms than they propose to give to tomatoes. Look at these Senators all about you, Mr. President. Who would think that the Senators here would vote for a higher rate on mushrooms than they would on tomatoes? We can go out into the swamps where mushrooms spring up in the nighttime on decaying logs and gather them and pour a little acid over them and bring them in and sell them for fresh mushrooms. Senators have given them a tariff higher than the tariff that is now proposed by the Senators from Florida upon tomatoes grown by fine American citizens. The House, after canvassing the whole situation thoroughly, agreed to the rate which these Senators are asking. The House placed it at 3 cents a pound and the Senators from Florida insist that they must have that rate.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. HEFLIN. I yield.

Mr. GLASS. Is the Senator from Alabama in favor of all the rates that the House, after careful consideration, adopted?

Mr. HEFLIN. I am not. But, Mr. President, I am in favor of standing by the little army of tomato club boys and girls in America. I think of those boys and girls who live in a State that has had storms and floods like California has had at times. I want to go to the rescue of these young men who are to be the fathers and these girls who are to be the mothers of our land after a while. I am not willing to turn them aside and tell them to cease to produce tomatoes, that we are going to encourage the industry in Mexico. I am not in favor of doing that.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Texas?

Mr. HEFLIN. I yield.

Mr. SHEPPARD. What would become of our consumers if no tomatoes were produced? We are helping the consumer when we make it possible to produce tomatoes in our own country in sufficient quantities.

Mr. HEFLIN. Absolutely. Let us gather here around an American industry for a moment and forget the Mexican industry. I am reminded of a sermon preached by a negro bishop down at Danville, Va., just before Christmas. He told the negroes that Christmas was coming. He said, "Many of you negroes will pass out with fermented millet juice, crap shootin' games, and the like. I wish there wasn't no liquor in the world. I have wrote a letter to the President to give me the key to the whisky warehouses and all the drug stores and to turn all the liquor over to me. I am going to knock those kegs and jugs and barrels in the head and pour that liquor all in the river, and on Christmas morning you will see that river flowin' red with liquor. That's all I got to say. Let the choir sing." The choir leader said, "Let us sing hymn No. 442, Shall We Gather at the River?" [Laughter.]

SEVERAL SENATORS. Vote! Vote!

Mr. WHEELER. Mr. President, I notice that as soon as the distinguished Senator from Alabama concludes his speech he sits down and says, "Vote!"

Mr. HEFLIN. Mr. President, if the Senator will pardon me, I know that any Senator who has not eaten any of these tomatoes from Florida would not say anything that would contribute very generally to the debate.

Mr. WHEELER. Of course, there is no one in the Senate who contributes anything to any debate except the Senator from Alabama. We all concede that. He has contributed probably more to the debate in the Senate than any other man on the floor of the Senate—at least in words.

Mr. President, the Senator from Alabama painted a very vivid picture of the young boys and girls down in Florida who want a tariff on tomatoes to protect them. I agree entirely with what the Senator from Virginia [Mr. GLASS] said except in so far as he said that no one had risen on the floor of the Senate to speak in the interest of the consumer. He was probably absent from the Chamber when my colleague spoke on the subject. I call his attention to the fact that my colleague rose and spoke only for the consumers of the whole country.

Mr. President, there are a lot of boys and girls in the country who would like to eat tomatoes provided they could get them at reasonable prices. The Senator from Florida [Mr. FLETCHER] said when these tomatoes are shipped into New York they bring from $2 to $3.50 a crate. It seems to me that if they get $2 to $3.50 a crate for these tomatoes in New York, that is a pretty fair price for them. It seems to me that if they are getting that price for them they ought to be able to make a pretty reasonable profit upon the crop.

Of course, the debate this evening illustrates just where the tariff takes us. We have had here all evening just a sordid debate as to whether or not some particular section should have a tariff to protect this little industry or that little industry or some other industry, and because steel or some other industry of that sort got a tariff, then we ought to put a tariff on something else.

As my colleague pointed out, in my home city of Butte it is absolutely impossible for us to get tomatoes from Florida in the wintertime. The proposal now pending, if adopted, will not only keep our grown people there from getting green vegetables in the wintertime, but will keep the children, about whom some of the Senators have been weeping, from getting any green vegetables in the wintertime. When we are talking about a tariff for agriculture we ought to remember that the two groups of individuals who raise the two principal products in the country are the wheat growers and the cotton growers. Every time we raise the tariff on mushrooms and every time we raise the tariff on tomatoes and every time we raise the tariff upon anything of that nature we are injuring the great mass of the farmers of the country who produce wheat and who produce cotton and who have to sell their products on the basis of the free list. I say you are not only penalizing the wheat growers and the cotton growers, but in this instance you are penalizing the consuming public of the whole country.

In the agricultural schedule it seems to me we have gone to the extreme in placing tariffs upon agricultural products. Of course, if the argument were carried out that has been advanced on the floor of the Senate, we ought, as some one in the House suggested, to put a tariff upon bananas so that the people would be forced to eat more apples. We ought to put a tariff on everything of that nature so high that we could go out and build hothouses all over the country and raise fruit and vegetables such as are grown in the Latin-American countries, because then we would be doing something for the farmers of the country and we would be doing something for the laboring men of the country. If we went out and built hothouses all over the country in which we could grow these tropical fruits and vegetables, and then raised the tariff so high on them that they could not come into the United States from those countries, it would make it possible for our people to make a profit out of them.

To me it is perfectly absurd to put a high tariff upon tomatoes, and it is just as absurd to put high tariffs on some of the other products upon which high rates of duty have been imposed and which the great consuming public have to pay.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana. [Putting the question.] By the sound the noes seem to have it.

Mr. WALSH of Montana. I ask for a division.

On a division the amendment was rejected.

The VICE PRESIDENT. The question now is upon the committee amendment.

Mr. NORBECK. Mr. President, a parliamentary inquiry. In paragraph 770 there are two committee amendments. We have been considering only one, have we not?

The VICE PRESIDENT. The Senate has been considering the amendment in line 1.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. What is the question now before the Senate?

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

Mr. HEFLIN. What is the rate proposed by the committee amendment?

The VICE PRESIDENT. The clerk will state the committee amendment.

The CHIEF CLERK. In paragraph 770, on page 143, line 1, it is proposed to strike out "3 cents" and insert "2½ cents," so as to read:

Tomatoes in their natural state, 2½ cents per pound.

Mr. FLETCHER. I think the House rate ought to stand.

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

Mr. FLETCHER. I ask for a division.

On a division, the amendment of the committee was rejected.

The VICE PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. In paragraph 770, on page 143, line 2, after the word "manner," it is proposed to strike out "40 per cent" and insert "50 per cent," so as to read:

Prepared or preserved in any manner, 50 per cent ad valorem.

Mr. NORBECK. Mr. President, I listened with a great deal of interest to the splendid presentation by the Senator from Maryland [Mr. GOLDSBOROUGH], who pleaded for the people of his State who are engaged in the tomato-canning industry. He told us that the industry is lagging; that the canning establishments are closing; and that the farmers are not employed in raising tomatoes. I feel, however, that we should have further explanation than that furnished by the Senator from Maryland before we proceed to vote on the pending amendment to increase the rate on canned tomatoes to 50 per cent.

I am thoroughly convinced that everything which it is now desired to "put over" is done in the name of farm relief, just as every scheme during the World War which it was desired to "put over" was proposed and advocated in the name of patriotism.

It is as clear as can be that we can not have farm relief by helping one group and giving them a boost and then having 20 or 50 or 100 other groups carry the burden. Every time we vote for many of these increases we may help a few but we tax the many. The people in many sections of the country will find themselves with additional burdens as a result of this bill, assuming that it shall become a law.

We have been reminded often in the Northwest that we compete with European labor. We do not only do that, but we pay the freight over to Europe. We have complained about that, it is true, but what are we told? We are told that we are not raising the right kind of products; that we do not diversify; that we should raise something else.

We are also told that we ought to get some experts in business to teach us efficiency. Has it gotten so that the Atlantic coast producers are not efficient, but are asking the farmers of the West to help carry their burdens for them? Let us have an explanation of the situation.

Perhaps this amendment is all right. I am not saying I am going to vote against it, but I think that question ought to be cleared up. If the tomato canners need a bonus, why should the western farmers be called upon to pay it? Perhaps the solution lies in the wonderful Farm Board which was forced upon us to teach us cooperative marketing. Maybe it will teach them cooperative marketing, and that is all that will be needed.

The record is clear that in the day of deflation the deflation did not hit the Eastern States as it hit the upper Mississippi Valley. There was no comparison as to the conditions between the two. I think these matters should not be passed over lightly. If the Senate shall take the position that every time a farmer is involved we ought to give him a big price in the name of benefit to agriculture and then tax the other farmers almost out of existence, it will put a tax upon the producers of the country for which we will have to answer.

I want to be consistent in this matter. I protested against increased duties on some of the products of the Northwestern States. I hope those from other sections of the country will be just as reasonable as we are and will not load down the bill or will at least give us a good reason why it should be done.

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

The amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The LEGISLATIVE CLERK. In paragraph 771, page 143, line 4, after the word "rutabagas," it is proposed to strike out "25 cents" and insert "20 cents," so as to read:

Turnips and rutabagas, 20 cents per 100 pounds.

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

The amendment was agreed to.

The next amendment was, on page 143, line 6, after the word "state," to strike out "Peppers, 3 cents per pound; eggplant, 3 cents per pound; cucumbers, 3 cents per pound," and insert:

Eggplant, 3 cents per pound, except during the months of January, February, and March, when the duty shall be one-half of 1 cent per pound; cucumbers, 3 cents per pound, except during the period from January 1 to March 15, both dates inclusive, when the duty shall be one-half of 1 cent per pound; peppers, 3 cents per pound.

So as to read:

PAR. 772. Vegetables in their natural state: Eggplant, 3 cents per pound, except during the months of January, February, and March, when the duty shall be one-half of 1 cent per pound; cucumbers, 3 cents per pound, except during the period from January 1 to March 15, both dates inclusive, when the duty shall be one-half of 1 cent per pound; peppers, 3 cents per pound.

Mr. FLETCHER. Mr. President, I hope the committee amendment will be disagreed to. That involves the seasonal proposition.

Mr. ASHURST. Mr. President——

Mr. SMOOT. Mr. President, I should like to have the floor.

The VICE PRESIDENT. The Senator from Florida has the floor.

Mr. FLETCHER. Let us be patient. I have the floor, and I want to finish my sentence. If the Senator wants to interrupt me, I will yield; but if he wants the floor himself, I should like for him to wait until I get through.

Mr. SMOOT. I will ask the Senator to excuse me; I thought the Senator had concluded.

Mr. FLETCHER. This involves the same seasonal proposition which we have heretofore considered with reference to tomatoes. I think it is inequitable, unjust, and discriminatory, and I hope the Senate will not approve the proposed amendment.

That is all I want to say. I trust the House provision may be restored.

Mr. SMOOT. Mr. President, perhaps Senators will think that the committee acted as to tomatoes in one way and in the case of eggplants acted in another way; but let me call the attention of the Senate to the reason why the committee acted differently in the two cases. I shall not take very much time. I wish to call attention to the fact that eggplants are not produced in the United States during the months of November, December, January, and February, with the exception of one carload which is produced in February. The amendment provides for a reduced rate only for the months of January, February, and March. During those three months there are no eggplants produced in the United States, and the eggplants which come in during those months come mostly from Cuba. Beginning with December 5 there is 1 carload; on the 12th there are 2 carloads; on the 19th there is 1 carload; and on the 26th there are 2 carloads.

During the whole month of January there are 36 carloads. Those are all the eggplants that are imported into the United States. During those three months and one other month, with the exception of one carload, there are none produced in the United States. Therefore we thought that in a case such as that, interfering with the production of no State, perhaps it would be well enough for us to allow the winter products to come in here at a less rate. If it would have interfered in any way with the domestic production in any of those months, the committee would have acted exactly as it did in reference to tomatoes in their natural state. That is the whole story.

Mr. TRAMMELL. Mr. President, I really think the Senator from Utah is mistaken in a statement he has made with reference to eggplants. From personal observation, I am acquainted with this situation. The domestic eggplants grow and mature and are harvested contemporaneously with other vegetables in January, February, and March. The Senator from Utah has referred only to carload lots. I will state that eggplants are frequently shipped by express, in lots of 10, 15, or 25 crates. They are not a product which is marketed to any great extent in carload lots.

Mr. ASHURST. Mr. President, it will be observed that another subject is comprehended within the terms of the pending amendment. Not only does the amendment cover eggplants, but in line 13, as will be observed, it imposes a duty on peppers. I do not wish to have any parliamentary tangle, but I desire to offer an amendment to the amendment. After the word "pound" at the end of line 13 in the committee amendment I desire to provide for a seasonal tariff on peppers. I ask that the amendment to the amendment may be read, and then I shall finish in two minutes.

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

The LEGISLATIVE CLERK. On page 143, at the end of line 13, after the word "pound" and before the semicolon, it is proposed to insert "except that between January 1 and April 30 the rate of duty on peppers shall be three-fourths of 1 cent per pound."

Mr. ASHURST. Mr. President, I desire to know if my amendment to the committee amendment is in order at this time.

The VICE PRESIDENT. The amendment, being to a committee amendment, is in order.

Mr. GLASS. Mr. President, may I suggest to the Senator to put the duty high enough, because some of us do not want any competition in peppers?

Mr. ASHURST. I am proposing to reduce the tariff.

Mr. GLASS. I hope the Senator will not do that. We do not want any competition here in peppers.

Mr. ASHURST. Mr. President, I will take only a moment. In my judgment the same arguments that would apply to a seasonal tariff on tomatoes would apply to such a tariff on peppers, and I have no disposition to rehearse all those arguments. I do ask, however, for a vote on my amendment to the committee amendment, which proposes a seasonal tariff on peppers for the same reasons which were advanced with respect to such a duty on tomatoes.

Mr. SMOOT. Mr. President, the reason the committee did not put a seasonal rate on peppers was because of the fact that during November there was a domestic production of over 100 carloads; in December there was a production of 28 carloads; and in January there was a production of 85 carloads. Therefore the committee did not feel justified in putting the seasonal rate on peppers because of the fact that they are produced in the United States in quantities during the months that are specified in the provision as to eggplant.

Mr. ASHURST. I ask for a vote on my amendment to the amendment.

Mr. FLETCHER. Mr. President——

SEVERAL SENATORS. Let us vote.

Mr. ASHURST. I ask for a division.

The question being put, on a division, Mr. ASHURST's amendment to the committee amendment was rejected.

RECESS

The VICE PRESIDENT. The hour of half past 10 o'clock having arrived, the Senate stands in recess until to-morrow morning at 10 o'clock.

Thereupon, under the order previously entered, the Senate took a recess until to-morrow, Saturday, November 16, 1929, at 10 o'clock a. m.

SENATE

SATURDAY, *November 16, 1929*

(Legislative day of Wednesday, October 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Fletcher	Kendrick	Sheppard
Barkley	Frazier	Keyes	Shortridge
Bingham	George	La Follette	Simmons
Black	Gillett	McCulloch	Smith
Blaine	Glass	McKellar	Smoot
Blease	Glenn	McMaster	Steck
Borah	Goff	McNary	Steiwer
Bratton	Goldsborough	Metcalf	Stephens
Brock	Greene	Moses	Swanson
Brookhart	Harris	Norbeck	Thomas, Idaho
Broussard	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Caraway	Hatfield	Oddie	Trammell
Connally	Hawes	Overman	Tydings
Couzens	Hayden	Patterson	Vandenberg
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Ransdell	Walsh, Mont.
Deneen	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Wheeler
Fess	Kean	Schall	

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is absent, ill.

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

CIVIL-SERVICE RETIREMENT

The VICE PRESIDENT laid before the Senate resolutions of the Pittsburgh (Pa.) Central Labor Union, favoring the passage of legislation allowing classified employees of the civil service optional retirement after 30 years' service, with annuities increased to $1,200 per annum, which were referred to the Committee on Civil Service.

BILLS INTRODUCED

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

By Mr. McNARY:

A bill (S. 2131) for the relief of Alvin H. Tinker; to the Committee on Military Affairs.

A bill (S. 2132) for the relief of W. C. Milligan; to the Committee on Naval Affairs.

A bill (S. 2133) for the relief of Edward M. Brown; to the Committee on Civil Service.

A bill (S. 2134) for the determination and payment of certain claims against the Choctaw Indians enrolled as Mississippi Choctaws; to the Committee on Indian Affairs.

A bill (S. 2135) for the relief of Mrs. Charles D. Kicher;

A bill (S. 2136) for the relief of John H. Lindstrom;

A bill (S. 2137) for the relief of Warren Construction Co.; and

A bill (S. 2138) granting compensation to George Walthers; to the Committee on Claims.

AMENDMENT TO THE TARIFF BILL

Mr. CONNALLY submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed.

SOUTHERN INDUSTRIES AND AGRICULTURE—TRIBUTE TO SENATOR RANSDELL

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Manufacturers Record of November 14, 1929, entitled "Senator RANSDELL'S Marterly Effort for Protection of Southern Industries and Agriculture."

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

The editorial is as follows:

SENATOR RANSDELL'S MASTERLY EFFORT FOR PROTECTION OF SOUTHERN INDUSTRIES AND AGRICULTURE

Senator COLE BLEASE, of South Carolina, read into the CONGRESSIONAL RECORD recently a letter from a South Carolina lumberman, stating that Russian lumber is being laid down in New York for $20.20, as compared with an average cost of $25 for manufacturing lumber in South Carolina, to which freight rates must be added. Thereupon Senator RANSDELL, of Louisiana, obtained the floor and spoke vigorously in favor of a protective tariff policy for the Democratic Party. Senator RANSDELL traced the history of the Democratic Party from its inception in its attitude toward a protective tariff, saying in part:

"It is not hard in the light of recorded history to recognize the fact that the doctrine of protection for American farm and factory products is not a new one to the Democratic Party. Its great founder, Thomas Jefferson, his illustrious contemporaries and followers, Madison, Monroe, Jackson, and a host of others, emphatically and unequivocally indorsed that doctrine and believed in its ultimate workability and good for the American people. Jefferson's remedy, in its simplest terms, for agriculture and industry alike, was adequate protection. His handiwork is seen in the first revenue act, passed by the First Congress, and placed upon our statute books on July 4, 1789. That measure came from the inspired pen of James Madison, who, in its preparation, counseled with his closest friend and political mentor, the Sage of Monticello."

And "James Madison, close student of Thomas Jefferson's school of political thought, * * * had witnessed the decline of our commercial star." * * * That "he believed in protection of our products as the quickest and surest way to restore prosperity" following the depression, Senator RANSDELL showed by quoting his special message to Congress in 1815, in which Madison said:

"There can be no subject that can enter with greater force and merit into the deliberations than the consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously commend to the prompt and constant guardianship of Congress."

Madison, the Senator showed, fought for protection throughout his life, and his successor in the White House, James Monroe, another Democrat, he quoted as having said in his inaugural address in 1817, "Our manufactures will require the systematic and fostering aid of the Government."

Following Monroe came Andrew Jackson; and in fact in the campaign of 1824 all of the candidates for the office—Adams, Jackson, Clay, and Crawford—"based their candidacies in part on their support of Mr. Monroe's advocacy of additional protection." "Old Hickory" he quoted as having said in 1824, "It is time we should become a little more Americanized, and instead of feeding paupers and laborers of England, feed our own; or else, in a short time, by continuing our present policy, we shall all be rendered paupers ourselves."

This is the first of those early utterances quoted by Senator RANSDELL that shows unmistakably a clear grasp of the fact that our labor depends for employment upon the activities of our industries, and that unless industries are sufficiently protected to be dominant in the domestic market labor will not be prosperous and the whole population will suffer from the consequent lack of purchasing power. Senator RANSDELL comments that "this is convincing testimony of the adherence of one of our greatest Democratic statesmen to a policy which we are told to-day is a Republican device."

Why did the Democratic Party depart for a while from this, its traditional policy? The Senator explains why in his account of the conversion of Calhoun from the protection to the free-trade policy.