expenditures and enactment of additional tax laws necessary to bring about a balanced Budget; to the Committee on Ways and Means.

1506. By Mr. PARKER: Petition of W. M. Burton, and other citizens, of Wayne County, Ga., asking the continuation of the Crop Production Loan Office to assist small farmers in financing their crops; to the Committee on Agriculture.

1507. Also, petition of citizens of Chatham County, Ga., asking the Federal Congress to enact legislation granting pensions to the aged and indigent citizens of the Nation; to the Committee on Pensions.

1508. By Mr. RUDD: Petition of Marine Corps League, New York Detachment No. 1, 16 Court Street, Brooklyn, N.Y., favoring the strength of the Marine Corps be increased by 2,000 and that promotion of officers be made more rapid commensurate with the length of service; to the Committee on Naval Affairs.

1509. Also, New York State Historical Association, proposing Nation-wide celebration of the one hundred and fiftieth anniversary of the Federal Constitution in 1937; to the Committee on the Library.

1510. Also, petition of the New York State Conservation Advisory Council, favoring the passage of the so-called "duck stamp bill", H.R. 5632 and S. 1658; to the Committee on Agriculture.

1511. Also, petition of Chamber of Commerce of the Borough of Queens, City of New York, favoring certain amendments to the Securities Act of 1933; to the Committee on Banking and Currency.

1512. Also, petition of Chamber of Commerce of the State of New York, favoring a reduction in expenditures so far as practical and the enactment of additional tax laws to bring about a balanced Budget; to the Committee on Ways and Means.

1513. By the SPEAKER: Petition of H. F. J. Ravn, regarding claim in petition of December 6, 1933; to the Committee on Claims.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 9, 1934

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

We praise Thee, gracious God, for Thy goodness and mercy are as fresh and new as the breath of the early morning! Continue the golden breezes to blow tenderly from the slopes of the upper hills. Our hopes, our yearning spirits, our unspoken prayers, and our quivering silence look up to Thee. We own our weakness and our failures. As we come, make the rapture and peace of soul real and let us find Thy yoke easy and burden light. Almighty God, the great drama of our country's life rolls on. Let come out of heaven a hand clearing, pointing, and inspiring the way, lifting our whole national being to the highest level of brotherly cooperation. Hear us, blessed Lord; fill all lives with a nobly sustaining gladness and all breasts with a trustful patriotic song. Amen.

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

THE DISTRICT OF COLUMBIA LIQUOR BILL

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6181) to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia; and pending that, I ask unanimous consent that general debate be limited to 2 hours, one half to be controlled by the gentleman from New York [Mr. STALKER] and one half by myself, and that general debate be confined to the bill.

The SPEAKER. Is there objection to the request of the lady from New Jersey?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, the unanimous consent that was granted for taking up this bill provided that it should be taken up under the general rules of the House. I have no disposition in any way to delay the consideration of the bill. I do, however, want 10 minutes in which to discuss the bill. My position against all such bills is well known to my colleagues, and with the assurance of the good lady of New Jersey that I shall be given that time, I shall not object.

Mrs. NORTON. I shall be glad to yield to the gentleman the 10 minutes.

Mr. BLANTON. Then I have no objection to the request to thus limit debate.

The SPEAKER. Is there objection to the request of the lady from New Jersey that the general debate be limited to 2 hours, one half of the time to be occupied by her and the other half by the gentleman from New York, and that debate be confined to the bill?

There was no objection.

The motion of Mrs. NORTON was then agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Oklahoma in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for consideration of the bill H.R. 6181, which the Clerk will report.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mrs. NORTON. Mr. Chairman, the Committee on the District of Columbia, to which this bill was referred, held joint hearings with the Senate committee on the bill and invited the citizens of the District to present their views.

After careful consideration of all the facts presented, your committee has prepared a bill which it considers a very good one to control the sale of beverages in the District of Columbia.

The desire of your committee is to pass a law which will return a fair amount of revenue to the District and at the same time safeguard the interests of the people as well as the property interests within the District.

It also is the desire of the committee to discourage the use of hard liquor by remitting the tax on light wines and beer and in this manner serve the cause of temperance.

The purpose of this bill is to permit the sale of alcoholic beverages in the District of Columbia under a licensing system. It is therefore necessary to repeal the National Prohibition Act and the acts supplemental to and amendatory thereof insofar as they affect the District of Columbia, which is accomplished in section 1 of this bill, with the exception of section 4 of the National Prohibition Act insofar as it affects denatured alcohol and title III of said act, relating to industrial alcohol.

Section 2 of the bill limits its operation to the District of Columbia and prohibits delivery of alcoholic beverages outside the District of Columbia in violation of the law of the place of delivery.

Section 3 contains definitions. The most important definitions are those relating to clubs, hotels, and restaurants, these definitions being intended to preclude the issuance of licenses to hotels, restaurants, and clubs which are not bona fide establishments.

Section 4 of the bill provides for the appointment of an alcoholic beverage control board by the Commissioners of the District of Columbia. Said board is to consist of three persons, at least one of whom shall be a woman and all of whom must be residents of the District of Columbia for at least 3 years immediately preceding his appointment. The salary of each of the members of the board is fixed at $6,000 per annum. The terms of the members are to be for 4 years, the persons first appointed for 2, 3, and 4 years, respectively. This section also provides for the employment of other personnel and the payment of expenses of the board. The members of the board may be removed by the Commissioners only for cause and after service of written charges and an opportunity to be heard thereon.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Section 5 prohibits any member or employee of the board from having any interest in the liquor business.

Section 6 gives the board full power to issue, transfer, and revoke all licenses, with an appeal to the Commissioners of the District of Columbia in the case of a revocation of a license.

Section 7 confers upon the Commissioners broad powers to control and regulate the business of selling alcoholic beverages in the District of Columbia and for the issuance, transfer, and revocation of licenses.

Section 8 exempts from the operation of the act preparations manufactured for nonbeverage purposes.

Section 9 prohibits the manufacture, sale, or solicitation for sale of alcoholic beverages without a license so to do.

Section 10 provides for the issuance of licenses to individuals, partnerships, or corporations, but not to unincorporated associations.

Section 11 provides for 11 kinds of licenses:

(a) Manufacturer's license, class A, to operate a rectifying plant, a distillery, or a winery. The annual fee for the rectifying plant is fixed at $2,000, for the distillery at $2,000, and for the winery at $500; provided that if a distillery is licensed for the manufacture of alcohol and more than 50 percent of such alcohol is sold for nonbeverage purposes, the annual fee shall be $1,000.

(b) Manufacturer's license, class B, to operate a brewery. The annual fee for such license is fixed at $2,500.

(c) Wholesaler's license, class A, for the sale of all alcoholic beverages to other licensees for resale and for the sale of beer and light wines to consumers. Such a licensee, except a wholesale druggist or wholesale grocer, is prohibited from engaging in other business on the premises except the sale of alcoholic and nonalcoholic beverages. The annual fee for this license is fixed at $1,500.

(d) Wholesaler's license, class B, to sell beer and light wines to other licensees for resale and to consumers. The annual fee for such license is fixed at $750.

(e) Retailer's license, class A, to sell all alcoholic beverages to consumers for consumption off the premises. The annual fee for such license is fixed at $750.

(f) Retailer's license, class B, for the sale of beer and light wines to consumers for consumption off the premises. The annual fee for such license is fixed at $100.

(g) Retailer's license, class C, issued to bona fide restaurants, hotels, or clubs or a passenger-carrying marine vessel serving meals for the sale of spirits, wine, and beer for consumption only on the premises. Spirits and wines, except light wines, may be sold or served only to persons seated at public tables, and beer and light wines may be sold and served only to persons seated at public tables or bona fide lunch counters, except that spirits, wine, and beer may be served in a private room if such room has been approved by the board. In the case of hotels and clubs, beverages may also be served in the private rooms of guests. The annual license fee for a restaurant is $500; for a hotel under 100 rooms, $500; for a hotel of 100 or more rooms, $1,000; for a club, $250; for a marine vessel, $50 per month or $500 per annum.

(h) Retailer's license, class D, to be issued to bona fide restaurants, taverns, hotels, clubs, or passenger-carrying marine vessels to sell beer for consumption on the premises. The annual license fee is fixed at $200.

(i) Retailer's license, class E, to be issued to a druggist to sell alcoholic beverages on prescription of a physician. The annual license fee is fixed at $25.

(j) Retailer's license, class F, to be issued to sell beer and light wines temporarily at banquets, picnics, and similar public gatherings. The fee for such license is fixed at $5 per day.

(k) Solicitor's license, to authorize an individual to represent the holder of a manufacturer's or wholesaler's license. The annual fee for this license is fixed at $2.

Section 12: This section prohibits an "on sale" and an "off sale" license being issued for the same premises and prohibits any retail licensee from holding more than one license.

Section 13 contains certain details relative to the licenses and the license year.

Section 14 sets forth the investigation of licensees. In paragraph (c) of this section there is a limitation upon the granting of licenses where the owners of a majority of the property within a radius of 600 feet of the premises for which the license is requested object to the granting of such license.

Section 15 forbids the issuing of licenses in certain-use districts as defined in zoning regulations.

Section 16 provides for the transfer of licenses, for which a fee of $25 is fixed.

Section 17 provides for revocation of license for violation of any provision of the act and for certain other causes.

Section 18 prohibits any manufacturer of beverages from having any interest in any wholesale or retail business.

Section 19 contains similar restrictions prohibiting a wholesaler of beverages from having any interest in a retail business.

Section 20 contains limitations upon the sales to minors or intoxicated persons.

Section 21 provides that if any licensee shall become bail for any person charged with a violation of the act, his license shall be revoked.

Section 22 provides for reports by licensees for the purpose of collecting taxes.

Section 23 provides for a tax of 50 cents on every wine gallon of wine containing more than 14 percent of alcohol by volume, and on champagne or any wine artificially carbonated a tax of 20 cents on every gallon of wine containing 14 percent or less of alcohol; a tax of 50 cents on every wine gallon of spirits, and a tax of $1.10 on every wine gallon of alcohol.

Section 24 requires a report by the licensee of beverages purchased outside the District of Columbia.

Section 25 places a limitation upon the persons who may be employed by a licensee in the distribution of alcoholic beverages.

Section 26 provides for the giving of testimony before the board.

Section 27 adopts substantially the provision of existing law prohibiting one from driving a locomotive, etc., while intoxicated.

In paragraph (c) of this section the traffic act relating to the driving of motor vehicles while intoxicated is retained in force.

Section 28 prohibits drinking in public places.

Section 29 contains the usual provision relating to search warrants.

Section 30 provides a penalty for a minor falsely representing his age for the purpose of procuring alcoholic beverages.

Section 31 provides for disposal of existing permits to sell 3.2 beer under the act approved April 5, 1933.

Section 32 permits druggists to sell, upon prescription without a license, pending the issuance of license under this act.

Section 33 provides a fine of $1,000 or imprisonment for not more than 1 year, or both, for any violation of the act for which no specific penalty is provided.

Section 34 repeals certain inconsistent laws relating to the District of Columbia.

Section 35 prohibits the sale of beverages on credit, with the exception of beer and light wines.

Section 36 requires rectified or blended spirits to bear a label showing the nature of such spirits.

Section 37 is the usual saving clause in the event any provision of this act should be held invalid.

I now yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, if resort to parliamentary rules could stop the passage of this bill, it would not be passed. If any Member here could stop it, I would stop it.

I am not in favor of filling the Nation's Capital, the District of Columbia, with liquor saloons from one side of it

to the other. Under this bill, there will be hundreds of whisky saloons all over Washington. This bill prevents bars and brass rails, but the places where this hard liquor will be sold will, nevertheless, be saloons. You will find again hundreds of oldtime saloons existing here in Washington.

This bill ought not to be passed. In my humble opinion it is a disgrace to the Nation's Capital, but there is no way on earth to stop its passage here today. Those who believe in raising the youth of the land up in temperance are going to have to start all over again from the very foundation and build up. It is not something that can be done in a year or in 10 years. It is something that, to be done right, will take years and years to accomplish. We are going to have to educate the new generation over again on this subject.

We are going to have to teach the boys and girls of America in the schools that in the railroad business no railroad man can drink and hold his job. We are going to have to teach the youth of this land that when they apply to banking institutions in this country for jobs they must show a clean record that they do not drink. We are going to have to teach the children in the schools that if they expect to hold jobs of importance with the leading business men of this Nation, they must stay away from strong drink. The politicians will learn again in time to come that when they ask the electorate to go into the solemn booth and cast their ballots for them, they are going to have to assure the electorate that they are sober men, that they abstain from strong drink, that they do not attend saloons, if you please. That time is not here now, but it will come again, surely in the next 20 years. Therefore, just now, Mr. Chairman, when we cannot stop its passage, I do not butt my head against a stone wall in an effort to defeat a bill when nothing by such effort could be accomplished.

What is there about this bill from an economic standpoint that ought to appeal to every Member of this Congress to oppose it? Why should you create a board here of three members, a liquor board, and pay them salaries of $6,000 each per annum? In my State, the great State of Texas, the circuit judges, if you please, who try men for their lives, who try cases daily involving millions of dollars of property right, who pass upon the domestic rights of families, get $4,000 a year, and in the last 2 years the legislature has decreased the salaries of these circuit judges from $5,000 to $4,000 a year. The people demanded such decreases. Appeal judges in my State, the judges on the courts of appeal, do not now get $6,000 per year. Why should you pay these three members of a liquor board here $6,000 a year each? Why do you not put a limitation in this bill that will pay them not more than $3,000 and that will stop the payment of salaries above $6,000 to some of the employees of the board? When you say that the salaries of their employees shall be fixed by the Classification Act of 1923, you provide the possibility that some ordinary clerks working for this $6,000 board will be called "directors" or "superintendents" or "chiefs" of this or that, and who under the Classification Act of 1923 are going to receive 6, 7, 8, and 9 thousand dollars per year.

Now is the time to stop provisions like that; now is the time to amend provisions in a bill like that. I have made so many efforts to stop these increases that it almost seems futile. We go along and let committees bring in these bills that are prepared by bureau chiefs who look out for their own, who write the language in there that takes care of their own salaries and emoluments, and the country does not know that this Congress by the act of 1923 gave up the power and control over the salaries of employees of this Government and turned that over to the employees themselves. The people do not know that, but it is the truth.

Seventy-nine thousand employees of this Government live in Washington—most of them splendid men and women from the 48 States of the Nation. Some of them are 3,000 miles away from home. Some of them are young women, some of them are young men—daughters and sons of good mothers back home who are looking to us to surround them with proper environment here in the Nation's Capital, and yet we are going to put a saloon around the corner from every one of them. Can you answer that when you go back home?

They say that there are 11 kinds of licenses in this bill, and there are. There are 2 kinds of manufacturing licenses, 3 kinds of wholesale licenses, and there are plenty of retail licenses in the bill. Some of them permit only beer and wine to be sold, and you cannot sell it to anyone under 18 years of age. Let me quote just a few excerpts from the bill:

"Table" shall not include a counter, bar, or similar contrivance.

The salary of each of the members of the board shall be $6,000 per annum. The Commissioners are authorized to employ such other personal services, including three additional assistant corporation counsels, as may be necessary to carry out the provisions of this act and to provide for the expenses of the board. The salaries of employees, other than members of the board, shall be fixed in accordance with the provisions of the Classification Act of 1923, as amended.

* * * Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer and light wines, to any person under the age of 21 years, or beer or light wines, to any person under the age of 18 years * * *.

No person shall be intoxicated while in charge of or operating any locomotive or while acting as a conductor or brakeman of a car or train of cars, or while in charge of operating any street car, elevator, water craft, or horse-drawn vehicle in the District of Columbia.

* * * said spirits shall be sold or served only to persons seated at public tables.

Mr. MAY. Will the gentleman yield?

Mr. BLANTON. Certainly, always to my good friend the distinguished jurist from Kentucky.

Mr. MAY. Does this bill repeal the provision in the Democratic platform which declared against the open saloon? There is a little provision here which says that they shall not have a bar and a brass rail.

Mr. BLANTON. No bars and no brass rails, but "saloons" they are just the same.

Mr. PATMAN. They must sit down.

Mr. BLACK. They have to sit on the brass rail.

Mr. BLANTON. They have to sit on the brass rail, if they have a brass rail, while they drink. To be convivial and social they must sit down to it.

Mrs. NORTON. Will the gentleman yield?

Mr. BLANTON. John and the rest of us used to like to be convivial standing up as well as sitting down.

Mr. McCORMACK. I prefer to stand up.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mrs. NORTON. I yield to the gentleman from Texas 3 additional minutes.

Mr. PATMAN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. PATMAN. May I suggest that the only difference between the saloon under this bill and the saloon under the old system is that in order to be served a drink in one of the new saloons you must sit down at a table? But if you wish to be served with high wines and beer you can be served at a counter, but you must be sitting and you may put your feet on the brass rail.

Mr. BLANTON. Oh, yes; that is the legal distinction between this saloon tweedledum and tweedledee. [Laughter.]

Now, there are licenses in this bill that will permit you to buy it standing up. A young boy or a young girl, if 18 years old, can buy beer and wine, and just as soon as they reach 21 they can go to some of these special saloons and buy package goods by the case and take it home, around the corner, and debauch all night if they want to.

Mr. SIROVICH. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SIROVICH. How did they do it under prohibition, with the speak-easy?

Mr. BLANTON. Doctor, you are one of the strong advocates of strong drink in the Nation who does not drink himself, who speaks regularly from this floor for strong drink. I do not see how in the world a man who does not drink himself wants to put this stuff down the guzzle of somebody else. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. STALKER. Mr. Chairman, I believe the proposed bill is perhaps as good a license bill as could be drafted, but due to the fact that the eighteenth amendment has been repealed on account of the promises made by both party platforms, and oft repeated by the President of the United States that the saloon would not return, it seems to me that any license system whereby intoxicating liquors are permitted to be sold by the drink does return the saloon and will be so considered by a large majority of our people.

At this particular time there is another outstanding feature, namely, the poor quality of liquor to be put on the American market on account of the fact that we have practically no aged liquor in stock, and the distillery and rectifying interests have so manipulated, by securing nearly all of the licenses for importation of foreign liquors that they will be able, to a large extent, to prevent the uncut foreign liquors from reaching our markets. On account of the unstandardized quality of the liquor that will be sold by the drink in an unusually large number of licensed places in the District of Columbia, we can look for an excessive amount of intoxication by its unrestricted use, and I believe the only safeguard is to have a dispensary system so rigidly controlled that no hard liquors can reach the consumer except through stores controlled by the liquor board, and a provision should be written into this bill prohibiting any liquor to be sold until it has passed a chemical test by the board of chemists. Under such a plan liquor can be sold in package form for consumption in the homes so much cheaper than it can be sold by private parties that it will go a long way toward eliminating the bootlegger and the speakeasy. At the same time, the Government can derive more revenue from it, and the profits that would otherwise go to the wholesaler and retailer will be reflected in the lower price of liquor to the consumer.

I do not believe any license system can be drafted that will successfully prevent the retail dealer from selling bootleg liquor in place of tax-paid liquor. Therefore, the revenue that would be derived through any licensing system would be very small indeed.

I am opposed to this bill because it provides for the return of the oldtime saloon. It repudiates the platforms of both of the major parties. Even the so-called "wet organizations" are opposed to this bill in its present form. Dr. F. W. Buck, chairman of the joint elective legislative committee of 12 antiprohibition organizations, stated that in his opinion the enactment of this bill would lead to a reaction against the liberalization of the liquor laws and result in prohibitory laws being reenacted within a very few years.

This bill should be recommitted to the District of Columbia Committee, with the recommendation that a dispensary system be substituted.

Mr. Chairman, I yield 20 minutes to the gentleman from Texas, Mr. PATMAN.

SO-CALLED "MODEL LIQUOR BILL"

Mr. PATMAN. Mr. Chairman, in considering this bill Members of Congress sit as a State legislature to pass upon this legislation. This bill has been referred to as a model bill, which will be considered by all the 48 States of the Nation when they are considering legislation for the sale of intoxicating beverages in those States.

It was said before the committee that the reason we should be careful with this legislation is because it will be pointed to as a model bill, and further that many Members of Congress desire to be very careful about the kind of bill they vote for the first opportunity they have to vote on this question after the repeal of the eighteenth amendment.

DEMOCRATIC PLATFORM OF 1932

The Democratic platform of 1932 contains this provision as a recommendation to the States after repeal, and, of course, the District of Columbia is in the same category as a State. That platform provides this:

We urge the enactment of such measures by the several States as will actually promote temperance, effectively prevent the return of the saloon, and bring the liquor traffic into the open, under complete supervision and control by the States.

Now, let us not overlook those three points. The first is a bill that will actually promote temperance; second, one that will effectively—do not overlook that word "effectively"—one that will effectively prevent the return of the saloon; third, one that will bring the liquor traffic out into the open.

VIOLATION OF DEMOCRATIC PLATFORM

Now, let us examine this bill that is before the House and see if it comes within the requirements of the Democratic platform—and the Republican platform was equally as rigid. This bill gives the hotels and restaurants a monopoly. The hotels are especially favored.

Let us see what the practical effect of this bill will be when it is passed and when it has become a law, if it is enacted into law. First, there will be two places in the District of Columbia which can obtain licenses to sell alcoholic beverages; that is, beer, wine, whisky, cordial, or anything else of high alcoholic content or low alcoholic content. They can sell everything. They can sell it by the drink. Those two institutions are hotels and restaurants. They are not required to serve meals with it. They can sell it with or without meals. They can sell it at any time to any person who wants to buy it in any amount that he desires to buy, and he can consume it there where he makes the purchase. Your constituents will be required to carry their small children into a bar room for meals. They cannot stop in a hotel that is not a saloon.

Now, there is a difference between a hotel and a restaurant under this bill. I hope the distinguished lady from New Jersey will give me attention here.

HOTELS FAVORED

If I am wrong I want to be corrected. Under this bill a hotel will be permitted to sell alcoholic beverages by the drink. Under this bill a hotel will also be permitted to sell alcoholic beverages in sealed packages, not one pint, one quart, but one keg, or one barrel, or even more. This is the great privilege of a hotel under this bill. No other establishment in the District of Columbia will be permitted to sell it this way. The nearest approach to it will be the restaurant. The restaurant will be permitted to sell it by the drink only and will not be permitted to sell it in sealed packages. There will be other places which will be allowed to sell it in sealed packages only, but the hotel is the only place that can sell it by the drink and in sealed packages. The other establishments are restricted either to sealed packages or, in the case of the restaurant, by the drink.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. PALMISANO. Does the gentleman wish to convey the thought that he is in favor of permitting the tavern and other restaurants to sell also by the package?

Mr. PATMAN. I am saying that in this bill there is a tendency toward a monopoly in the sale of alcoholic beverages.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mrs. NORTON. Of course, the gentleman understands a hotel pays a very much higher license.

Mr. PATMAN. Yes; but the license provided in this bill is insignificant. There are few hotels in the District of Columbia which can qualify under this bill. It is true that at first the number of rooms were placed at 50 and that now an amendment is proposed which will reduce the number of rooms to 30, but even so the number of hotels which can qualify in the District will be very small.

Mrs. NORTON. It will take care of a legitimate hotel, at any rate.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. O'CONNOR. Do I understand the gentleman to say that a hotel may sell it to be taken off the premises?

Mr. PATMAN. Absolutely.

Mr. O'CONNOR. Of course, I am not in sympathy with that at all. I believe a safeguard should be put in the bill compelling liquor sold by a hotel to be consumed on the premises.

Mr. PATMAN. The hotels are favored in this way under this bill, that they can sell it by the drink and also in quantity, as they desire, either for consumption on the premises or to be taken off the premises in sealed packages. There would be no way for a hotel keeper to enforce a law requiring that liquor delivered in sealed packages must be consumed on the premises.

Mr. O'CONNOR. It might be safeguarded by bringing knowledge home to the hotel and making it an offense if they have knowledge that it is being taken off the premises. Some such proviso should be inserted in the bill.

BILL DOES NOT PROMOTE TEMPERANCE

Mr. PATMAN. Nothing in the bill at present requires it, and if there was it could not be enforced.

Let us see, first, if in this bill there is anything to promote temperance. Ordinarily you would think, in order to promote temperance, there should be a requirement that would not encourage the sale of alcoholic beverages. There is nothing in this bill which restricts advertising, either over the radio or in the newspapers, for the purpose of encouraging the use of hard liquors. In other words, there is nothing in this bill to promote temperance, at least not in this respect.

DOES NOT EFFECTIVELY PREVENT RETURN OF SALOON

Next, let us see if it meets the test of effectively preventing the return of the saloon. How much difference will there be between a place where intoxicating beverages are sold under this bill, and the old saloon? It will sound ridiculous to you when I tell you, but it is the absolute fact.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mrs. NORTON. I call the gentleman's attention to page 18 of the bill, line 19, specifically the following language:

Beer at the place therein described for consumption only in said place—

Spirits, wine, and beer.

Mr. PATMAN. The gentlewoman evidently must have a bill different from the one I have. I have the bill H.R. 6181, and I invite the gentlewoman's attention to line 7 on page 18 of the bill under the heading "Retailer's license, class B", where it is stated that such a license shall authorize the holder thereof to keep for sale and to sell spirits, wines, and beer at the places I have described for consumption only in said place except in the case of clubs and hotels no beverage shall be sold or served to a customer in a closed container.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. MAY. Under the provisions of the bill to which the gentleman refers, may not any particular place where liquor is sold be designated as a club? May not some temporary arrangement be made by which it shall be known as a club and thereby escape the restrictions against it?

Mr. PATMAN. There is a provision in the bill that the club must have been in existence 3 months. I do not know whether it means before the passage of the bill or before it makes application for a license.

Mr. BLACK. I hope the gentleman will read the next sentence.

GIRLS 18 YEARS OF AGE CAN PURCHASE HARD LIQUORS

Mr. PATMAN. Let us see the further things which may be done. One can go into these establishments and purchase any kind of alcoholic beverage he or she desires. In the case of a man he must be 21 years of age. In the case of a woman she must be 18 years of age in order to go into this place and purchase any kind of alcoholic beverage desired.

Under the old system there was a counter with a bar and a brass rail. Customers could stand up and drink.

MUST SIT DOWN TO BE SERVED

Under this new system the only difference on earth is that they are not permitted to stand at the bar; they must go to a table and sit down and have the perambulating bar come up to them and serve them at the table. There is nothing in this bill to prevent the perambulating bar you have heard and read so much about in the newspapers lately.

Therefore, the only difference is that under the old saloon system one could stand up and drink, whereas under the system provided in this bill one must sit down in order to be served.

I want to ask you, candidly, if you think this is enough difference to justify us in saying we have effectively prevented the return of the saloon?

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. McFARLANE. It is true, is it not, that in Illinois they are already advocating the abolition of drinking sitting down?

Mr. PATMAN. If I am not correct in this statement, I hope any member of the committee, or any Member of this House, will get up now and tell me so. But I am right about it. The only difference is that one must sit down; and I want to ask you if this is enough to effectively prevent the return of the saloon.

Mr. OLIVER of New York. What does the gentleman suggest—that one should not be allowed to drink at all, either sitting up or standing down?

STOOLS FOR THE BARS

Mr. PATMAN. That is not the material point at all. I am just pointing out what the difference is. Frankly, I think it is just the same as the old saloon system and that it does not effectively prevent the return of the saloon. Now, in the case of wines and beer of any alcoholic content they can be served at a bar or at a counter except they must sit down on a stool if they are served at the bar or the counter. But in order to be served cordials and whiskys they must sit down at a table. This is the only difference on earth between the old saloon and the system now advocated by this Committee for the District of Columbia.

Can you say that that is a sufficient difference for you to go back to your people and tell them that you voted to effectively prevent the return of the saloon, because under the old system they could stand up and drink and you voted for a bill that will require them to sit down in order to drink?

Mr. TAYLOR of Tennessee. Would it not be much easier to detect intoxication if a purchaser were standing up than if he were sitting down?

Mr. PATMAN. That was mentioned before the committee.

Mr. WEIDEMAN. I presented an amendment in the committee that would make all hard-liquor drinking occur on the first floor of buildings and exposed to public view. In other words, I had in mind the plank of the Democratic Party that we were against the return of the old saloon, that we were going to enact a measure to promote temperance and bring the liquor traffic into the open.

It is my contention that if you make people drink in the open, where the neighbors can see them, and if you do away with the cabarets on the second floor, bringing the carabets down to the ground floor where they are open to view, you will not have as many children drinking hard liquor as there are now.

As far as I am concerned, I believe that in order to promote temperance drinking should be brought out into the open. If there is going to be "faking" about this situation, in a few years we will be confronted with the same situation we were 15 years ago. The cabaret and the night club have been the outgrowth of bootleg liquor, and it is that influence I want to abolish. Do you not agree with me that bringing liquor actually into the open as well as theoretically would cut down the intemperate use of it?

Mr. PATMAN. That was suggested in the committee. I want to invite the Members' attention to a report that was filed by the District of Columbia Committee on this bill. I also invite attention to the minority views which I filed, commencing on page 8 of the report.

Mr. BANKHEAD. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Alabama.

Mr. BANKHEAD. Unfortunately I was called out of the Chamber and I have not had the benefit of the gentleman's statement. May I ask if the gentleman has discussed in his remarks any alternative plan for the handling of the liquor situation in the District of Columbia?

Mr. PATMAN. The committee did not consider an alternative plan except one that was presented by the gentleman from Virginia [Mr. SMITH] and Dr. Buck, representing the Federal Dispensary League. The Smith plan is that the District of Columbia will have stores in which hard liquors may be sold. Wine and beer will be sold at any hotel or restaurant or possibly at other places in the District of Columbia. Hard liquors may only be sold in sealed packages by the Government stores.

Mr. BANKHEAD. Is it the purpose of those who hold that view to attempt to offer that alternative as a substitute for the pending bill?

Mr. PATMAN. I understand that the gentleman from Virginia [Mr. SMITH] will offer it. I do not know for certain, but I presume he will. He insisted upon it in the committee. My view is that if we are to have a dispensary plan we ought to have a plan that will effectively prevent the return of the saloon. My further view is that we should recommit this bill to the District of Columbia Committee and let that committee get together, knowing the will of the House, and draft a bill that will effectively prevent the return of the saloon. Then the committee can consider all plans that may be sponsored by different citizens of the District or by Members of this House.

Mr. REILLY. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Wisconsin.

Mr. REILLY. Under the dispensary system you would drive such drinking back to the home, would you not?

Mr. PATMAN. Of course, that is an argument that is made right along. This bill will not prevent people from drinking in the home. That same objection could be urged against almost any bill that you were considering.

Mr. REILLY. Was not one of the evils of the prohibition era that there was too much drinking of hard liquor in the home?

Mr. PATMAN. I will say to the gentleman that this bill will not prevent them from drinking in the home.

Mr. REILLY. They will be compelled to drink it in the home under this bill, will they not?

Mr. PATMAN. I do not think so.

Mr. DONDERO. Will the gentleman yield?

Mr. PATMAN. Yes.

Mr. DONDERO. Can the gentleman from Texas give the Members any information as to the action taken by the several States in regard to the program which they are setting up for the handling of liquor?

Mr. PATMAN. I understand that many of the States are waiting on the District of Columbia bill; that is, they are holding their bills in order to find out what sort of a model bill will be passed by the Congress of the United States in order to carry out the Democratic platform pledge to prevent the return of the saloon. They will then consider measures in the various States.

Mr. MARLAND. Will the gentleman yield?

Mr. PATMAN. Yes.

Mr. MARLAND. As you have reminded us, the pledge of the Democratic side of the House was to prevent the return of the saloon. I ask the gentleman if there is anything in this bill which defines a saloon and attempts to prevent it?

Mr. PATMAN. No; there is no definition of a saloon in this bill. Neither was there a definition of "saloon" given by any witness that appeared before the committee when we were having hearings on the bill.

Mr. MARLAND. May I ask the gentleman if we can prevent the return of something when we do not know what it is?

Mr. PATMAN. Of course, we all have an idea of our own as to what a saloon is. The definition is generally known. We do know that there is no difference in what we had before and what is offered in this bill. The only difference is that the claim is made that under the old saloon they could stand up or sit down, and under this bill they have to sit down in order to be served. That is the only difference.

[Here the gavel fell.]

Mr. STALKER. Mr. Chairman, I yield the gentleman 2 additional minutes.

REMEMBER THREE OBJECTIONS

Mr. PATMAN. In conclusion, one of the main points to be considered is, does this bill promote temperance. If it does, I challenge any member of the committee to point out to you where there is anything in the bill that is calculated to encourage temperance.

Next, does it effectively prevent the return of the saloon? It does not. It is the old saloon. I repeat, and no one can deny it, the only difference between the old saloon and this new establishment is that under the old saloon system you could either sit down or stand up to be served and under this new bill you have to sit down in order to be served.

The next point is, does it bring the liquor traffic out into the open? It does not. There is no provision in the bill that has for its purpose the bringing of the liquor traffic out into the open.

Therefore I submit to you that this bill should be recommitted to the Committee on the District of Columbia. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, I was rather interested and amused at the efforts to make the promise of the Democratic Party platform to do away with the saloon a logical promise. To my mind it is the one statement in the Democratic platform that cannot be made a logical, reasonable statement, because, in the first place, as has been suggested, there is no definition of a saloon, and, in the second place, from our knowledge of the history of human nature, I do not believe it would be possible to do away with either a saloon or something to take the place of a saloon, as long as we are going to have drinking of alcoholic beverages.

There are three classes of people who drink. One is the man who takes liquor for medicine. Another is the psychopathic who takes a bottle of liquor and goes off to himself somewhere and drinks to intoxication, and the other class comprises the great bulk of people who drink for sociability purposes. This class includes those people who realize or feel that they have in themselves an inhibiting wall about themselves—a product of civilized development that they want temporarily to remove. They wish temporarily to retrograde a little—to let go; to go on the loose. These people gather together in order to know each other better; in order to inculcate a higher degree of sociability, they drink, not to excess, but just for social purposes. They must have some place to do this. It is far better to have it in some place that is under reasonable control than it is to compel them, as was done during the prohibition era, to go to a hotel and there drink to excess under conditions that the people participating did not really desire.

We can call such a place a saloon or a grocery or a barber shop or anything else, but as long as men drink to promote sociability you will never do away with sociability; you will never do away with some gathering place to drink. You might just as well talk about removing the rear end of a train in order to do away with rear-end collisions.

The social gathering place, psychologically, and from the history of the human race, is so much wrapped up in the whole problem of drinking that to do away with one you have to do away with the other, and we have already found out that you cannot do away with the drinking.

Mr. WEIDEMAN. Will the gentleman yield?

Mr. HARLAN. I am sorry, but I have not the time.

Let us just look at this question squarely. We must have some place where people can drink. We do not want to force our young men and young women to go back into the hip-flask-toting era if we can help it. We do not want them to take their bottles home or to some place of hiding and there drink to excess; and if we recognize this common-

sense situation, the fair thing and the honest thing and the nonhypocritical thing to do is to meet it under the best conditions of control that we can get. The more foolish, nonsensical regulations we put around it about requiring them to stand up to drink or sit down to drink or, as the gentleman just said, "to sit up or stand down", which sounds like a discussion in Alice in Wonderland—the more things of this kind we inject or write into the bill the more ridiculous it will be.

I know the government-dispensary plan has never worked out according to the desires of the people who have proposed it. It has created great political machines and has not been effective in promoting temperance in any way; at least, our experience in the Carolinas has been to that effect. It has not produced temperance, satisfactory revenue, nor reduced lawlessness, and the only sensible way to handle this situation is to operate under the most simple license plan possible; to meet it as it exists and not as we would wish it to exist. [Applause.]

Mr. STALKER. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN was recognized.

Mr. BLANCHARD. Will the gentleman yield before he begins?

Mr. DIRKSEN. I yield.

Mr. BLANCHARD. Why is it necessary to establish a separate board, as this bill provides?

Mr. DIRKSEN. This board will take the place of the existing board.

Mr. BOILEAU. Will the gentleman yield?

Mr. DIRKSEN. I will yield.

Mr. BOILEAU. Section 5, paragraph (c), provides that no place shall be deemed appropriate if the owners of a majority of the real property within a radius of 600 feet of the boundary object to the granting of a license. Does that hold over for more than a year?

Mr. DIRKSEN. That is a matter to be determined largely by the board, because they have been given wide discretionary powers in the bill.

Mr. BOILEAU. They might make a large investment this year and then the next year have the citizens decide against them.

Mr. DIRKSEN. If they managed it in accordance with the requirements of the board, so far as the decorum of the place and the character of the management is concerned, they could probably continue.

Mr. BOILEAU. But that might prevent the transfer of property.

Mr. DIRKSEN. That is true.

Mr. BLANCHARD. This bill provides for a new board of 3 men at $6,000 salary, 3 corporation counsel, and numerous other employees. I should like to know the reason or necessity for that.

Mr. DIRKSEN. There will be a considerable amount of work; there will be probably upward of 2,000 applications in the District of Columbia, and it will take a large personnel to handle the applications made.

Now, Mr. Chairman, I cannot yield further. I listened with a good deal of interest to my colleague from Texas and the other distinguished gentleman from Texas [Mr. BLANTON], who still frowns upon repeal of the eighteenth amendment, and who would, if he could, imperil the precious fruits of repeal. It may be that Texas does not know that the eighteenth amendment has been repealed. This is a bill to enable the people of the District of Columbia to get a drink, if and when they want it, under proper regulation.

We have seen what prohibition and the effects of restriction would do, and so we have here only the question of retail principle to consider, and not so much the mechanical provisions of the bill. Do we want to provide liquor for the people of the District of Columbia under a private system, or shall it be done by the dispensary system? I say, categorically, that I am opposed to the dispensary system. It has not worked out satisfactorily, notably in South Carolina, where they had it for 12 years. Besides it is putting the Government into the liquor business. Until we come to a state of consistency by having the Government take over the distilleries as well as the outlets, I say that I am opposed to the dispensary system as being half fish and half fowl.

Generally speaking, this is designed not only to eliminate the old saloon but also to make it reasonably easy, under proper circumstances, for a man or a woman of legal age to secure a drink of liquor if he or she wants it. The argument that this is restoring the saloon is just a lot of hooey. You know what the old saloon was—a place where they had curtains, a place where they had a back room, a place where men shuffled around in various states of intoxication, a place where men would loaf in the course of the day, soaking themselves with periodic drinks. Can anyone say that a restaurant, conducted according to all the rules and regulations set up in this bill, or a hotel dining room, decorously managed, is in any way analogous to the old saloon? As my distinguished friend from Michigan so aptly put it in the committee, this is designed to take the bend out of the elbow and put it in the knee. You are asked to sit down at a table in order to take your drink if you are going to take it by the drink rather than take it in a package to your homes to consume. There is a good reason for that seemingly whimsical provision. The same Dr. Buck, who is the legislative agent of the Tax Reduction League in the District of Columbia, who has been a practicing physician for 23 years, is the same doctor who has made observations for a number of years, and who said that when men congregate at a bar, ordinarily the inveterate drinker will stand there and consume three drinks within 15 minutes; and it has been his observation that when a man sits down to a table to drink it will take at least an hour to consume three drinks of ardent spirits.

There is a certain conviviality, there is a certain fellowship, and more time elapses; and who can say that sitting at a table enjoying fellowship under decorous surroundings is bringing back the old saloon? I think we are in accord with the program of both the Democratic and Republican Parties in this bill, because by no stretch of the imagination can anybody see that the old saloon is being returned.

I want to enumerate for the purpose of clarity in a general way what this bill contains. First of all there is a beverage board consisting of three men. They are to receive $6,000 a year each. You say that that is too much. Oh, well, you can amend the bill and reduce it to $4,000, if you so desire. That is a technicality. This board has been clothed with full administrative and executive power to examine into the character and fitness of the men who make application for on-sale and off-sale licenses and generally to conduct the entire liquor business here through administrative channels.

The bill contains also a differentiation between a liquor license and a beer license. In that respect we have followed the Rockefeller Foundation report. The Rockefeller Foundation expended a lot of time and money, and, I believe, sent a copy of their report to every Member of the House and Senate, and you will notice they drew a distinction between a license to be issued to a purveyor of beer and a license to be issued to a purveyor of liquor. If you will examine the character of licenses provided for in the bill, you will see that that distinction is very carefully carried out.

I allude now, for a moment, to the revenue features of the bill. If I remember the figures correctly, the Commissioners anticipate that this bill will raise approximately three quarters of a million dollars per year through all the manufacturing and wholesale and retail outlets for which application may be made.

I have already alluded to table drinking. The bill provides also for the sale and purchase of package liquor, so that one can go to a grocery store that has an off-sale license or to some kind of a liquor store where they sell liquor by the package and buy what you want and take it to your home and there consume it, if one prefers to do that as distinguished from going to a restaurant or a hotel dining room for a drink.

Nothing has been done about advertising. That raises a very fine point as to whether we should say to the news-

papers of the District that under this bill they shall have no right to quote the prices of whisky, claret, port, sherry, Madeira, and all of the other things that are manufactured. I can see no reason for that. If we are giving a cloak of legitimacy to the distiller, to the rectifying business, then why should we seek to penalize a newspaper by precluding it from accepting advertisements and securing that additional revenue? It takes a rather fancy stretch of the imagination to say that an advertisement in a newspaper quoting the price of liquor can be said to encourage the consumption of liquor or that it is at variance with temperance.

The bill provides for a meticulous examination of the character of the manager of a licensed place as well as the owner or applicant. If anyone has ever been convicted of a felony, if anyone, in the estimation of the liquor board, is not of proper character to run this business, no license will be issued. That indicates further the amount of administrative authority that has been conferred upon the liquor board. After all, whether it be in the District of Columbia or in some State of the Union, the efficacy of the administration of a liquor control act is going to be nothing more than a reflection of the personalities of the men who are appointed on the liquor board, and when you think of that, in the light of the fact that we are in a rather probationary stage just now, that this thing is new, that it still presents novel aspects, and that it can be changed at any time by this House, I say, in view of all this, this is the kind of a bill that eliminates undue restriction and gives the people of the District of Columbia a right to have a drink under proper surroundings if they so desire.

To that little militant, vocal minority on the prohibition side, let me say that if they do not like it they do not have to go into a dining room and take a drink, because that is a matter for everybody to determine for himself.

I am entirely out of sympathy with the distinguished gentleman from Texas, who just preceded me, who still seeks to inject dry prejudices after the eighteenth amendment has been repealed by the sovereign voice of the people of this country.

One thing more: A question came up in the committee as to whether a man should be compelled to go into a dining room and purchase a meal before he could have a drink. The idea of loading up every drink with a meal would make it rather difficult for a man who wanted to buy a couple of drinks to secure them without becoming intemperate in his eating. There must be some limit. There must be some exercise of discretion, and above all else there must be exercise of common sense. When you view this bill in the large, you can see that adequate provision has been made for the protection of the District, for the protection of the schools and churches, for the protection of the people generally, and at the same time make it possible for people in an orderly fashion to walk into the dining room of the Shoreham or Wardman Park, or any other hotel in the District, and sit down, and there in convivial company secure a drink.

Another rather important thing that was written into this bill is the provision that no credit shall be established, or no credit shall be advanced in an on-sale drinking emporium for the purpose of buying liquor. The reason for that is this: You can readily understand that a man who might be temporarily out of work and without funds wants a drink and he goes to an on-sale emporium. He knows the owner or proprietor quite well, and he says, "I should like to have a drink, but I haven't got any money." Now, it is conceivable that the proprietor, thinking perhaps he will find a job in a week or two, will extend to him a line of credit and let him drink up $50 or $60 worth of ardent spirits, that must ultimately come out of the family budget, and operate as a penalty upon the wife and children of that family. That has been restricted by the provisions of this bill, insofar as that can be done by legislation. I believe after all it is the best guarantee against the so-called "soaking" that was one of the necessary incidents to the old saloon.

Mr. KNUTSON. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. KNUTSON. What does this bill do to a man who comes in and has a drink and announces afterward that he is broke?

Mr. DIRKSEN. The distinguished gentleman from Minnesota just raised the point as to what a man would do if he went in and got a drink and announced his financial embarrassment afterward. It is just one of those things, I should say to the distinguished gentleman from Minnesota, but I assume that the proprietor or manager of the place would know precisely how to deal with a gentleman like that.

Mr. BROOKS. Will the gentleman yield for a question?

Mr. DIRKSEN. I yield.

Mr. BROOKS. In providing retail licenses for the sale of all brands of liquor, has there been any provision made for the purchase of liquor that has had the Government tax paid, or can a retail dealer sell any kind of liquor? I cannot find where there is any provision made to prevent a retail licensee from selling bootleg liquor.

Mr. DIRKSEN. I would say that it is not necessary to make that kind of a recital in the District liquor bill.

Mr. WEIDEMAN. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. WEIDEMAN. There is such a provision in section 36 of the bill, which I addressed to the committee, and it reads as follows:

SEC. 36. No rectified or blended spirits shall be sold unless the container in which it is sold shall bear a legible lable firmly affixed thereto stating the nature and percentage of each ingredient therein, the age of each such ingredient, and the alcoholic content of such spirits by volume.

Mr. DIRKSEN. That does not answer the gentleman's question.

Mr. BROOKS. No. I want to make sure about this. The bootleggers are already starting to print that kind of label. I want to know if there is any provision that could be made that would make that liquor justified as having the Government tax paid by the wholesaler.

Mr. DIRKSEN. That recital is not necessary, because that constitutes a violation, under the Treasury regulation.

Mr. SAMUEL B. HILL. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. SAMUEL B. HILL. In the bill that was passed recently the tariff provision requiring a stamp to be affixed to the container showing that the tax has been paid would, of course, apply to liquor sold in the District of Columbia, as well as elsewhere.

Mr. BROOKS. That would revoke his license?

Mr. DIRKSEN. Oh, yes; and it would be a matter of enforcement for the Treasury or the Department of Internal Revenue.

Mr. MARLAND. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MARLAND. I understand that a patron in a hotel accustomed to paying his bills once a month, and to signing his dinner check, would have to pay cash for anything he got to drink?

Mr. DIRKSEN. I think that is handled by the provision that it shall not operate to prejudice a club member, for instance, in his right to secure a line of credit in his club. Probably the same thing would apply in the case of a hotel.

Mr. WEIDEMAN. If the gentleman will yield, I think the gentleman is misinformed as to the nature of the question which was asked by the gentleman from Pennsylvania [Mr. BROOKS]. There is no protection now to either the drinker or the Government on the liquor called "a blend" that is sold in a closed container. In other words, not only in the District of Columbia but in the State of Michigan bootleggers are putting out blends, which do not require an internal-revenue stamp, and which we did not remedy by the bill we passed the other day, and which is not protected in this bill. I think that should be called to the attention of the Members of this House. A blend does not require the affixation of a revenue stamp or any kind of a stamp.

Mr. BROOKS. That is exactly what I referred to.

Mr. DIRKSEN. I submit to the gentleman of the Ways and Means Committee as to whether a provision to that effect was also incorporated in the revenue bill.

Mr. SAMUEL B. HILL. No such provision was in the revenue bill passed a few days ago.

Mr. O'CONNOR. The gentleman recalls that I offered such an amendment and it was ruled out of order.

Mr. SAMUEL B. HILL. Yes. I recall the gentleman did offer such an amendment.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. O'CONNOR. What I think the gentleman has in mind is this: What is to prevent the wholesaler—for instance, a liquor store—selling goods which have been furnished to him by a bootlegger? Of course, if he is doing this, it is unauthorized as far as the board of commissioners or control is concerned. Let us have the authority to revoke the license of such a wholesaler.

Mr. DIRKSEN. They do.

Mr. O'CONNOR. I do not know whether it is specified in the bill.

Mr. DIRKSEN. The board has this power, and also the power and machinery with which they can ascertain the source of liquor sales. It is definite, and I think it is ample. Provision is made in this bill to accomplish the purpose the gentleman has in mind.

I allude also to the fact that under the old saloon and brewery systems it was quite possible for a brewer to purchase, or to lease, any number of parcels of real estate and to establish them as retail outlets for his brewery. One of the recommendations of the Rockefeller committee was that there must be an elimination of the so-called "tied" house; there must be an elimination of the feature whereby the brewer could exercise complete control over the retail outlets, likewise the distilleries, and likewise the rectifiers.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I ask the gentleman to yield me 2 additional minutes.

Mr. STALKER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. The bill contains a further provision for eliminating control through the instrumentalities of interlocking directorates, subscriptions to stock, gifts of fixtures, money, or otherwise. This has been completely eliminated; so we will no longer have what was known as the "old system" whereby the brewer or the distiller could so effectively regulate the retail outlets that they practically owned them outright. I think this is essential; and as I hear these discussions of the old-time saloon I sometimes wonder if, after all, they do not refer to the old-time saloon system, rather than to the saloon as such, where there was a close, coordinated relationship between the brewery, the distiller, and the retail outlets which gave rise to all the iniquity and vice of the old system. This, I believe, has been effectively eliminated in the provisions of this bill.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. O'CONNOR. Will the gentleman tell us what can prevent the situation we have in New York whereby his Peoria distillers are advancing the license fee of $750, or whatever it is, to the people in New York who sell his Peoria liquor? Does the bill specifically prevent the distillers from advancing money for the license fee to the retailers?

Mr. DIRKSEN. The bill provides against the advance of money of any kind for such a purpose.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I realize the difficulty of drafting a bill to control the sale of liquor. I said a few days ago there was no great hurry about this bill; because after you get the liquor it is going to be very dangerous to drink it, and probably you will not have the money to pay the exorbitant prices the Whisky Trust will ask for it. But it is fundamental, as was suggested by the gentleman from Ohio, that the more regulations you put on the sale of liquor the greater trouble you will get into. Every regulation is an avenue of graft. Every regulation points a way for somebody to proceed to extort graft from the purveyors of this liquor. If you say by your regulations that one cannot drink standing up, that you must drink sitting down; if you say sales shall be made to be drunk only on the premises but not to be drunk off the premises; if you fix the hours of business, in all these things you open avenues of graft.

Why, before December 5, the date of repeal, in New York, before repeal was even effective, the "boys" were out "shaking down", as they say, the prospective customers. If you provide that these commissioners of the District can say where the rum is to be sold, that it may be sold in certain zones, you open avenues for graft.

As far as I am concerned—and I took this position on the beer bill—I would let anybody sell liquor who wanted to sell it, in any place, provided they paid the license fee. I would let 7 or 8 of them sell it in a row alongside of each other in the same block, for then they might kill each other off. That is the way to abolish the saloon: To provide for universal sale and not make a congregating place out of the licensed place of sale.

I believe this bill will be fairly good if amended in certain particulars. I hope the gentleman from Michigan [Mr. WEIDEMAN] will offer the "label amendment." If nobody else does, I shall offer an amendment that druggists can sell only on a prescription that is a real prescription, according to the United States Pharmacopœia; that they cannot sell "blended" or "cut" whisky which might go into the mouths of babes 1 year old, or be used by elderly people.

I do not know why, Madam Chairman, you charge a brewer a license fee of $2,500, whereas you charge a distiller only $2,000. Why the discrimination?

As to the dispensary system, I have always taken the position that this was the last method our Government should ever resort to in the control of the liquor business. I have said repeatedly that I never want to see my Government, my State, or my city in the rum business.

There is a lot of talk about the saloon. This is one of the bromides that has grown up by mere constant repetition. I was always frank enough to say I was not against the saloon provided it was a good saloon. Some one has yet to define what a saloon is. Why, there are rotten, disreputable dance halls, yet we license them. There are billiard parlors which are only dens of gangsters, yet we license them. We license beauty parlors and massage parlors which conduct an illegitimate business. Whether or not a saloon is a decent place is solely a question of local enforcement.

This idea that a man must drink sitting down instead of standing up, after the American habit of drinking standing up has become so imbedded in our people, is ridiculous. It is a sop and an attempt in some way to appease the "dry" element which fought for prohibition.

Why, there is a provision in this bill continuing the old law which says you cannot take a drink in public, on the street, in your automobile, on the platform of a railroad station, and so forth. In other words, if I am taking a train to New York and have a bottle of real whisky with me and feel ill, although I paid for the bottle and it is my own property, I may not use it; I cannot drink it, but must sneak into the restaurant or a hotel to drink my own liquor.

[Here the gavel fell.]

Mr. STALKER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. O'CONNOR. It is such regulatory provisions which will bring back the old hold-ups we had during prohibition.

I believe that if there can be a few amendments added to this bill and if the board or the commissioners do not throw too many regulations around it, it may work. If the purpose of repeal of the eighteenth amendment is truly carried out for the benefit of the people who might want the

opportunity to drink; who did not want restrictions thrown around what they thought their personal rights; who wanted an opportunity to get a drink when they wanted it; who voted for that principal; the proper regulation of the traffic will restore temperance, but an improper or excessive regulation will put us in a worse position than that in which we existed during prohibition.

[Here the gavel fell.]

Mrs. NORTON. I yield 15 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. STALKER. Mr. Chairman, I yield the gentleman 8 minutes.

Mr. SMITH of Virginia. Mr. Chairman, I do not think I am going to need 23 minutes. So much has been said on the question of liquor control that I hesitate to say anything further on the subject. However, I believe the Members of the House would like to have some information on the subject relating to the two outstanding systems of liquor control as they are being formed at this time in public opinion.

One is the type of control proposed by the committee bill. I am opposed to the bill as drafted by the committee. I favor the dispensary system. I introduced a bill, which was before the committee, for the dispensary system. That bill is H.R. 6148, and I hope the Members of the House will take the opportunity to look over that bill before casting their vote on this one.

So far as the committee bill is concerned, I think the chairman of the District Committee [Mrs. NORTON] is entitled to the thanks of the people of the District of Columbia and the Members of this House for the great amount of work and toil that she has put in on the bill. If you are going to have such a system in the Capital of the United States, I believe the gentlewoman from New Jersey [Mrs. NORTON] has perhaps presented to you just as good a bill as can be presented. But I do not think that in the Capital city of the United States liquor ought to be dispensed under such a plan. I believe that we should adopt the dispensary plan. I believe that we owe it to the people under our party platform not to permit the private sale of whisky to be consumed by the drink on the premises where sold and handled for private profit.

The bill which I favor and which I am going to seek to get a vote on in the Committee of the Whole before this matter is concluded is fundamentally the Canadian system. It is adapted from the Quebec system, so I claim no pride of authorship in the bill at all. I got it in this way: In Virginia, after the repeal of the eighteenth amendment, we had a special session of our legislature. A commission was provided to devise some plan for the control of liquor in the State of Virginia. The Governor of the State of Virginia selected the most outstanding and the most prominent persons, some of whom were for and some against prohibition, and put them on the commission to draft a bill for the State of Virginia. From the melting pot of these conflicting views was brought forth the Quebec system fundamentally. This has the approval of the outstanding drys in our State and has the approval of the outstanding wets in our State as being the best and most practical way to control this situation.

Mrs. NORTON. Will the gentleman yield?

Mr. SMITH of Virginia. Certainly.

Mrs. NORTON. I have an article here from the Herald of January 9, 1934, headed as follows: "Dispensaries Plan Denounced by Drys."

It would not seem from a reading of this article that the drys are in favor of the dispensary plan, and I quote the Reverend Ira Lindrith, of Winona Lake, Ind., and also Dr. E. H. Cook, Denver cleric, who lived many years in Canada, and who held up as an horrible example the Canadian liquor system. He declared that under Province control there drunkenness increased fourfold, hard-liquor consumption twofold, wine consumption fivefold. Dr. Cook further stated that there are 3,355 speak-easies in Quebec, and that British Columbia is the bootleggers' paradise.

Mr. SMITH of Virginia. Was that a question or just a comment?

Mrs. NORTON. That was an observation.

Mr. SMITH of Virginia. Well, I will make an observation myself. I do not know who is in favor of this system or who is against it. I merely know that I am expressing the views which I have and I certainly would not undertake to change the views of any Member of this House. We have conflicting views upon many subjects, and I am not here for the purpose of influencing anyone's views, but I am here for the purpose of saying to you that there are two ways to control the liquor question. One is sale by the drink, for private profit, to be consumed on the premises. This is inherently and necessarily a barroom.

I have heard the discussions about this matter upon the floor of this House and I listened to the discussions before the joint committee of the Senate and House. I participated in those discussions, and I challenged any proponent of this bill at that time to point out the distinction between the bill which the committee proposes and the old-time barroom, and no one could point out any difference except the difference between standing up and sitting down.

Under the bill which is proposed by the committee, where liquors may be sold in restaurants and hotels, any person who is over 21 years of age, be he man or woman, boy or girl, may go into a hotel or a restaurant and may seat himself or herself at a table and he or she may drink just as many varieties of liquor as there are on the shelf and can get just as drunk, or perhaps drunker, than he or she could if he or she were standing up. This has all of the old, inherent evils of the barroom.

The authorities I have read on the subject seem to agree that the chief, inherent evil in the old system of dispensing liquor was the element of private profit. One of the gentlemen who spoke a few minutes ago in favor of the Commissioners' bill was bold enough to quote the report of the Rockefeller Foundation as substantiating his position. Let me read to you the conclusion of the report of the Rockefeller Foundation:

> On the basis of past experience in the United States and abroad and the practical considerations we have just received, we have come to the conclusion that the most satisfactory solution of the problem of alcohol requires the elimination of the private-profit motive in the retail sale of liquor. This cannot conceivably be accomplished under a license system however rigid and well enforced. If we sincerely wish to meet only an unstimulated demand for alcohol, we can no longer leave to any individual a private stake in its retail sale.

Mr. BRITTEN. Will the gentleman yield for a question there?

Mr. SMITH of Virginia. Briefly, please.

Mr. BRITTEN. If the gentleman would rather not yield, I will not put my question.

Mr. SMITH of Virginia. I would rather not, because I think my time is very limited and I want to get along with my discussion of the bill.

The bill which I propose, which is the dispensary system, provides for the sale of hard liquors in sealed packages under a control board operated by the District of Columbia, with no private profit to anybody in hard liquor. It does provide, however, for the sale, under a license system, in hotels and restaurants of wines and beer. In other words, it seeks to bring about that thing which seems to be so much desired of attempting to encourage the use of beer and wine as against the use of hard liquors.

There has been some discussion of the South Carolina system. If you will read the Rockefeller report—and my time is so limited I have not the time to read it to you—you will find a very cogent reason why the South Carolina experiment was a failure. You will find, in the first place, it was inextricably mixed up with the matter of politics and, in the second place, you will find that in those dispensaries there existed the inherent evil of which I have spoken of private profit.

Mr. BLACK. Will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. BLACK. I have before me the temporary price list of the Liquor Board of Pennsylvania and it offsets the gentleman's argument because this statement shows it to be almost a patriotic duty in Pennsylvania to buy liquor, because it says that every loyal citizens, by patronizing the system, will assist in its success and that the board is proceeding with the utmost speed to obtain full stocks, and that it will be profitable to buy from the board. This is propaganda coming from the State of Pennsylvania urging its citizens to drink in the dispensaries.

Mr. SMITH of Virginia. Is that a question or a comment?

Mr. BLACK. No; it is a help. [Laughter.]

Mr. SMITH of Virginia. I may say to you that I know there are Members of this House who do not want the private sale of liquor system, and do not want to vote for such a system here today. This is the only bill now before the Committee, and I want to give the Committee an opportunity to vote for an alternative plan, namely, the dispensary system; and at the proper time, after the reading of the first section of the bill, I propose to move to strike out that section and to substitute in place thereof the dispensary bill, which is H.R. 6148, and by this method I hope to test the sentiment of the House on this subject.

There are just two systems, and to save your life you cannot find any reasonable distinction between the bill offered by the Commissioners and the old system of the saloons. The difference, which has been mentioned, is the difference between standing up and sitting down. There is, also, a further difference and it is a most important one. In the old days drinking in the saloons was confined to the men. Under this bill men and women, together or separately, may sit in these restaurants and in these hotels and drink as long as they can hold it.

Mr. BRITTEN. Will the gentleman yield there for a question?

Mr. SMITH of Virginia. Yes; I will. I find I have more time than I thought.

Mr. BRITTEN. The gentleman, of course, realizes that men and women may go to a dispensary and buy a quart of liquor. Does the gentleman contend they will not get drunk on that liquor, because it is bought from a dispensary?

Mr. SMITH of Virginia. No; I do not contend that at all. I merely contend that of the two systems the dispensary system, I believe, is the best, and comes nearer carrying out the promise of the Democratic Party to the people of America when we repealed the eighteenth amendment.

I do not say that the dispensary system is the ideal thing. I do not know what is the ideal system. If we knew, I am sure we could adopt it in a very few moments, because I am quite confident that the proponents of this bill are as sincere and honest in their convictions that it is the ideal plan as I am in my conviction that the dispensary is the ideal plan.

You are going to find objections to all bills for the control of liquor. There always have been and there always will be. When we repealed the eighteenth amendment it was because the people wanted to repeal it, and they wanted in place of it some substitute for the evils of those conditions. Both parties solemnly promised that if the eighteenth amendment was repealed that we would not have a return of the old open saloon. And when the proclamation was made by the President on December 5 of the repeal of the eighteenth amendment, he made a statement—I do not recall the exact words—but he recalled that promise to the people of the country and said:

> I hope that no State in this Union will adopt any system of liquor control that would bring about the return of the saloon, either in its old form or in any modern guise.

Now, will someone tell me—and I will yield him time for the purpose—where is the inherent difference between this bill and the situation of the old saloon? Here is a proposal whereby any hotel or restaurant may sell liquor by the drink, have it consumed on the premises, just as many drinks as the person wants to buy, as many as he can pay for, and the only difference is you have to sit down at a table while you drink. In other words, you do not have to buy any more in the restaurant under this bill than you did in the old saloon, or any less.

I hope before this debate is concluded that some of the proponents of the bill on the other side who are as sincere in their views as I am in mine—I do hope some one will take occasion to try to convince the House that there is a practical distinction between the plan proposed in this bill and that of the old saloon.

Mr. MARLAND. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. MARLAND. Does the gentleman contend that the provisions of this bill do not carry out the pledge of the Democratic Party?

Mr. SMITH of Virginia. I do.

Mr. LANZETTA. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. LANZETTA. Does not the gentleman feel that the most vicious drinking in the past has been behind closed doors and not in open places?

Mr. SMITH of Virginia. I am not qualified to answer that.

Mr. LANZETTA. I do not know that I am qualified, but I believe that the most vicious drinking has been behind closed doors.

Mr. SMITH of Virginia. The gentleman may be right about that. I will not argue it.

Mr. SISSON. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. SISSON. The gentleman is advocating a system whereby if an individual wants a drink of liquor he cannot get it without buying a pint or a quart.

Mr. SMITH of Virginia. He could not get it without buying a sealed package. A dispensary may sell a gill in a sealed package.

Mr. SISSON. I take it that it is the gentleman's contention that no opportunity shall be given for the individual to get a drink of liquor except if he buys a quart or a pint and takes it home.

Mr. SMITH of Virginia. He could take it to a club or a hotel—take it to his own room.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. DONDERO. Can the gentleman inform the House as to what action has been taken, in other States except his own, which he has referred to, regarding this question?

Mr. SMITH of Virginia. I think they have taken it under consideration. In my State the legislature has not acted—the board has. In Pennsylvania, I believe, they are trying it.

Mr. BRITTEN. They have had it for a month in Pennsylvania.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. PALMISANO. Under the gentleman's bill is there any limitation upon what one individual could buy in a day?

Mr. SMITH of Virginia. No.

Mr. PALMISANO. He could buy 150 quarts if he wanted to, if he went back to the same store, in one day.

Mr. SMITH of Virginia. The gentleman does not like that feature. I will tell you, then, what we will do. If the House will vote with me, and let us have a dispensary bill, we will send it back to Mr. PALMISANO's committee, and I am sure that Mrs. NORTON will draw just as good a bill under the dispensary system as she has drawn on the other side. I am not concerned with the details of this bill. You can write the bill any way you want to, but I think that we ought to write it around the principle that there shall be no sale of spirits for profit to be consumed on the premises where purchased. That is the fundamental difference between the two.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. BRITTEN. As I understand the gentleman's bill, he is aiming to force upon the consumer the drinking of a bottle at a time rather than a glass at a time.

Mr. SMITH of Virginia. He can drink a bottle if he wants to, but he can drink two bottlefuls by drinking in the hotel under this other bill. I yield back the balance of my time.

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. TRUAX].

Mr. TRUAX. Mr. Chairman and Members of the Committee, I think, as the gentleman from Texas [Mr. BLANTON] said, this debate is largely a matter of the difference between tweedledum and tweedledee. I believe if this Congress were to debate this question for the balance of the session you could not draft and pass a law that would satisfy the honest, legitimate dry, who does not drink, who does not want other people to drink, nor could you satisfy the straddling statesman or politician who drinks wet and votes dry. Let us get down to the fundamentals of this issue. I happen to have been a resident of the first county in Ohio that voted dry under local option. My little town of Sycamore, of 900 population, was one of the first towns in Ohio to vote dry under local option. When the three saloons went out of business—and every man who has ever been in a saloon knows that we had good saloons and bad saloons in the old days—the two drug stores in the town took over the business. One drug store had a roll-top desk about half-way back on the floor. The druggist had the top of the desk piled full of books, but in the desk he had a neat little bar. You could go in there and pour yourself out a drink for 10 cents, while in the drawer at the side, which was full of half pints, you could pick up one and leave a quarter on the desk for it. In the next drawer there were pints, and you could pick one of those out and deposit 50 cents on the desk for it.

When the county went dry our citizens who wanted a drink simply went to the neighboring counties. The point is that you cannot in a few years—in 15 years—destroy the appetite that has accumulated in the human race through 5,000 years. People who want to drink will drink, regardless of the character or quality of the stuff they drink.

Away back before prohibition I remember we had in my little town a lecture by a noted temperance lecturer. During the course of his remarks he used two water glasses to illustrate the point he was attempting to make, namely, the evil effects of alcohol on the human system. These glasses were both filled with a colorless fluid such as in the glass here on this table. He took up one of the glasses and reached into his pocket and drew forth a little tin box. He snapped the lid open and said, "Now, ladies and gentlemen, watch what I do." He pulled a fishworm out of the box and dropped it into the glass that he said was filled with water. He said, "You notice that nothing happens to the worm"; and the worm wiggled around apparently contented and happy. "Now", he said, "see what happens to this worm when I drop it into the other glass", which was also filled with a colorless fluid. He dropped the worm into this glass and immediately the worm stiffened out and was dead. A fellow jumped up in the rear of the hall and said, "Mister, what was in that glass that killed that fishworm?"

The lecturer replied, "That was old triple-distilled moonshine, 110 proof." "Well", the fellow said, "save me a glass of it; I am troubled awful bad with worms." [Laughter.]

Mr. Chairman, with all due respect to my distinguished colleagues who have spent a great deal of time in debate about stopping bootleggers and the difference between a saloon and a parlor or a restaurant and the difference between standing up and sitting down—as many of you old timers recall, many people had to drink lying down, and they will probably drink that way today. The real question that confronts us is this: The American people decided that prohibition was a failure.

They said that prohibition was a failure by sending wet Congressmen and Senators to Washington to replace dry Congressmen and Senators. The successful Democratic candidate for the nomination for President of the United States declared that he was for the repeal of the eighteenth amendment. The platform of the Democratic National Convention adopted at Chicago declared for repeal of the eighteenth amendment. The candidate who was nominated by the Democratic Party said in his memorable acceptance speech, "You want repeal. I want repeal. The people want repeal"; and thanks to the tireless energy, the unswerving devotion to principle of Franklin D. Roosevelt, the greatest friend of the common people to sit in the Presidential chair since Lincoln and Wilson, and his loyal coworkers, the twenty-first amendment, repealing prohibition, is a part of the Constitution of the United States today.

During the past few months the question of prohibition repeal was submitted to more than 36 States. Only two of the States voted to retain the prohibition system. In nearly every one of the other States the vote was preponderantly in favor of repeal.

Yet we find the Congress of the United States today quibbling over such minor details as to the manner and form of the places in which liquor shall be sold and how it shall be drunk. If all the advocates of the various postures in which it would be legal to drink liquors and wines, including those who advocate drinking it standing up, those who say it should be be taken sitting down, and those who reach the stage where it can be taken in no other than a reclining or lying-down position, cannot get together, perhaps we may have to compromise by devising some mechanical means whereby the heavy imbiber may take it from a trough as we slop our hogs back in Ohio, the medium drinker can take it either standing up or in a semireclining position, while the fellow who votes dry and drinks wet, without doubt, will have to be twitched on the nose and drenched, like we farmers give medicine to our horses when they are sick with the colic.

Like Nero, we fiddle while Rome burns. The American people decided at least 4 years ago that prohibition was a failure insofar as enforcement was concerned. I personally know that the American people reached that decision at least 4 years ago, because I was defeated for the nomination for United States Senator from Ohio by a gentleman who sensed the revolt against prohibition and came out on a platform for repeal of the eighteenth amendment.

The gentleman from Virginia and other gentlemen believe, and sincerely so, that a dispensary system would be a better system than the system proposed in this bill; that it would better promote temperance; that it would put the bootleggers out of business; and that it would promote sobriety and prevent drunkenness and debauchery among our young people.

Experience teaches us that this is a fallacious doctrine and theory. On the other hand, observation teaches us that more and uncontrolled drunkenness and debauchery of both our young manhood and our young womanhood can take place within the narrow confines of a hotel room than formerly occurred in a dozen of the old saloons. Experience teaches us also that drunkenness can only be reduced by individual self-control, by being temperate in all things—not only temperate in the use of intoxicating liquors but temperate in the consumption and varieties of food consumed. The matress-fronted fat dowager and the pot-bellied street-corner politician are just as intemperate in their habits of eating, and as obnoxious to their fellow men, as the red-nosed drunkard, whose appetite for spirituous liquors is uncontrolled.

Before prohibition the country had practically the same dispensing system that we will now have under this bill. The assertion has also been made on the floor of this House that in preprohibition days only men were permitted to drink in the barrooms. This is distinctly not the case, as many barrooms or cafes may be recalled that catered to both men and women. We had the barroom where hard liquor, beer, and wines might be purchased by the drink, by the pint, the quart, or the gallon. We had the wholesale liquor houses, where only whisky, wines, and brandies might

be purchased by the quart, the gallon, or the barrel. In those warehouses good unbonded whisky could be purchased for as low as $2.50 a gallon.

Yet drunkenness always depended upon the capacity of the individual. I recall of one farm hand and hog feeder employed on my farm in the old days—a big, broad, rugged, two-fisted six-footer—who spent about 16 hours a day working in the open air, who on every Saturday night would journey to the nearest wholesale liquor house and buy 1 gallon of liquor. He took 4 drinks a day, 1 before breakfast, 1 before dinner, 1 before supper, and 1 before retiring. The glass that he used for the drinks was an ordinary water glass. He did not have to mix it as a highball, but "took his liquor straight." The man never became drunk, to my knowledge. He had a great capacity.

Please do not consider this a defense of the old system, nor a defense of the excessive use of spiritous liquors. It is merely a statement of facts, to prove conclusively that American citizens who want to drink will have their drink when and how they want it, regardless of governmental laws, edicts, or regulations.

Mention has been made of the findings and recommendations of the Rockefeller Foundation. They recommend that all private profits be taken from the distribution of liquor. I wonder if John D. Rockefeller, Jr., who contributed $5,000 to the National Economy League to slander the American war veteran, prostitute his widow, and debauch his orphan child, would be willing to take the private profit out of the distribution of gasoline and oils to stop the bootlegging of gasoline.

When you take the private profit out of legal distribution of liquors, wines, and beers, you only divert it into the slimy pockets of the bootleggers, rumrunners, and racketeers. All of these evils have sprung up largely because of the maladjustment of economic and social well-being in this country, the concentration of huge wealth in the hands of a few, the maldistribution of the earnings of the country, the strangulation of the economic circulatory system, the throwing out of jobs of 15,000,000 wageworkers, the annihilation of private business by the huge trusts and mergers, the breaking of the backs of the masses of the people by the shifting of the tax burden from the public utilities, the Wall Street buccaneers and pirates, the banking crooks, the silk-stocking aristocracy to the already bent backs of the small-home owner, wageworker, and farmer.

Regardless of what the tax on liquor may or may not be, regardless of what regulations are adopted, regardless of what enforcement measures are employed, you will have the bootlegger with you until you can give him an honest and a better way to earn a living, until you give every able-bodied man a job that will keep himself and his family in decent style, until you have a limit on the amount of wealth any individual can accumulate, until you limit the amount of income any individual may receive in a single year, and, finally, until you shift this crushing tax burden from the backs of the poor to the ill-gotten wealth of the millionaire crowd—human vultures waxing fat on the bleaching bones of the struggling masses who are ruthlessly trampled down by their lustful plundering for more wealth and more millions.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STALKER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that during the 1 minute allotted me I may proceed out of order in order to read a telegram from Chicago which I have just received, which is not controversial at all. I want to read it, not only for the benefit of the House but particularly for the benefit of the 27 Members from Illinois. I make that request, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. BLACK. This is the first time the gentleman has ever asked to be out of order.

There was no objection.

Mr. BRITTEN. Mr. Chairman, this telegram has just been received:

> For the first time in more than 25 years, at least, there was no milk delivered in Chicago today to homes. Scores of thousands of small children were accordingly denied their main sustenance. The enfeebled and those requiring milk diet also were forced to use condensed milk or to go without. In view of the general situation, with which you undoubtedly are familiar, do you not think a congressional investigation at this time is warranted?

This is signed by John W. Dienhart, city editor of the Herald-Examiner.

My reason for rising at this time, my friends, is to call to the attention of at least the 10 Members of the House from Chicago the situation existing in Chicago, where mothers and children are not getting any milk today. It may be impossible for the Federal Government, through its Department of Justice, to do anything in the premises, but surely some way must be found by Federal authorities, if not by the local authorities, to see that milk is allowed to be delivered. If necessary, they should guard every milk wagon. I would like to speak with all Members from Illinois on this subject at the earliest possible moment.

Mr. Chairman, since receiving this telegram I have communicated with the Attorney General with a view to having the Federal Department of Justice take such steps as it may deem necessary and as are permitted under the Federal statutes for the protection of human life and private property in the most destructive milk strike that this country has ever had. The Attorney General is today communicating with representatives of the Department of Justice in Chicago for complete information concerning the various elements of the strike which has been brought about by the disagreement between the producers and the distributors on the price of milk. It is interesting to note that the United States Supreme Court only on yesterday handed down a decision which placed the rights of the people above the laws of the land in national emergencies. I refer to a decision on the Minnesota case, which directly affects the National Recovery Act.

As for myself, I would not hesitate to request the calling out of the Federal troops at Fort Sheridan if that act were necessary in order to insure the delivery of milk to the homes of Chicago.

I also talked with officials in the Agricultural Adjustment Administration and learned that they had communicated with D. N. Geyer, head of the Chicago Pure Milk Association, as late as last Sunday evening, with a view to acting as arbitrators in connection with this unfortunate affair. I was told that the Federal willingness to be of service to the people of Chicago was not accepted.

The general impression here appears to be that the matter is squarely up to Governor Horner and Mayor Kelly, and if they cannot bring about the orderly delivery of milk to the homes in Chicago when backed up by the National Guard of the State and the Chicago police department, then there is something radically wrong with the administration of justice in Illinois. If need be, a well-armed, stout-hearted Chicago motorcycle policeman should accompany every milk wagon into the city. The National Guard of the State is maintained at the taxpayers' expense for just such purposes and events as are now confronting Chicago. I hope it will not be necessary for the Federal Government to forcibly step into the situation in the interest of law and order.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I think the members of the Committee on the District of Columbia fully appreciate the efforts of the District Commissioners during the recess of Congress to formulate a bill for the regulation of the sale of liquor in the District. The members of the committee also feel that the District Commissioners have done a mighty fine job in the bill which they have presented to us. We also feel a debt of gratitude to Mr. Bride and Mr. West, corporation counsel and assistant corporation counsel of the District of Columbia.

This bill, we believe, is a workable proposition. It will make for sane and decent regulation. There are some things in the bill that may be too highly regulatory, and we can probably cure them on the floor, but from the experience we have had in the States which thus far have sold liquor, this is a decent and serviceable proposition.

Anybody who thinks there will not be evil attending the sale of liquor is just as stupid as those who thought you could stop the sale of liquor. No matter what system you take, there is going to be some evil attached to it. The gentleman from Texas [Mr. PATMAN] makes much of the Democratic platform, which sought to effectively abolish the saloon and to bring the liquor traffic out into the open. That did not mean that the public of Washington had to line up on Pennsylvania Avenue and have a military officer pour out the liquor for him in Government tin cups, under the dispensary system. The Democratic platform did not mean anything like that at all. Under this bill the old-time saloon is abolished. The old-time saloon provided for sale for consumption on the premises and sale for consumption off the premises. One of the evils of the old-time saloon, which was often vividly portrayed by the drys, was the old family entrance, with a child, with holes in her stockings, hanging around the family entrance with a can for beer.

All those things are done away with. Here is a decent regulation. You have your hotels. You have your legitimate restaurants; you have your taverns for the sale of beer. Nobody need worry that the old-time saloon is possible under this bill.

In New York we have a law somewhat similar to this, and you do not find the old-time saloon in New York. We have been operating some time now under the new State act, since the repeal of the eighteenth amendment.

The suggestion in the Democratic platform that the liquor traffic be brought out into the open did not mean that everybody who wanted to drink had to drink in the open. It merely meant that the traffic was to be raised from the underworld; that the traffic was to be taken away from the racketeers; that the traffic was no longer to be a criminal traffic, but that the traffic was to be legal and licensed, so that everybody in the community could know who was in the traffic, what their characters were, and the traffic was to be surrounded by safeguards, so that a man who spent money to get a license and spent money to fit up his place would see to it that he himself rigorously observed the law so that he would not be punished summarily by having his license taken away and his business destroyed. That is all the Democratic platform meant. It did not mean these extravagant suggestions which my friend PATMAN indicates, that everybody in Washington who wanted to take a drink would have to drink in Garfinckel's window. It did not mean that at all. It merely meant the legitimate and sane regulation of the traffic that had been outlawed, had been restored to a legal standing, that was in the open as a legitimate business, and that is all it meant.

There may be some things in this bill that might be changed by the House, but taken all in all, it is the judgment of the Committee on the District of Columbia that this bill will work out to the satisfaction to the residents of the District.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman has consumed 5 minutes.

Mr. STALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, I would not support a measure that would bring back the saloon. If I thought for a minute that this bill would restore the saloon, I would vote against it. With that feeling I will not support a substitute that would perpetuate the speak-easy. That is what the dispensary system will do.

There is not a man here who understands conditions in the city of Washington who does not know that hundreds and hundreds of speakeasies have been open here since prohibition went into effect. I know it, and I am talking from experience, not hearsay evidence. Everyone who knows anything about Washington will say the same thing.

This bill was submittted to Congress by the 3 Commissioners, 2 appointees of President Roosevelt. The administration of the measure will prove whether it is a success or not. I happen to know the three Commissioners personally, and I know them so well that I am sure if it is possible to eliminate saloons and speak-easies in the city of Washington they will be eliminated.

The dispensary system is all wrong. Right over here in the neighboring county of Montgomery, in the State of Maryland, one pays $7 a quart for whisky in the dispensary, which can be purchased in Washington drug stores for $4.75; and this is not hearsay either. I speak from actual experience.

Do we want to have a fight between Montgomery County and the city of Washington and the State of Virginia over the price and sale of whisky? Nearby Virginia and Montgomery County, Md., have the dispensary system. That is why they want the dispensary system in Washington. They want their citizens to buy their whisky at home and want to prevent them from buying a drink in a Washington hotel.

In support of my contention that you can now buy whisky, legally in Washington from drug stores cheaper than you can from the Montgomery County, Md., dispensary which adjoins the city, I quote the prices of the dispensary from its price list. I only refer to bottled-in-bond whisky, as blended whisky does not interest me, but what is true of bottled in bond is true of blended goods:

Old Taylor (16 years), pint	$3.50
Old Granddad (16 years), pint	3.50
Old Reserve (16 years), pint	3.24

In Washington, in drug stores, you get Old Taylor in quarts for $5.25, Old Granddad for $5.25. I have no record of Old Reserve, but Gold Star, better than those quoted, can be bought for $4.75, as can Tom Harvey, and both are 16 years old. Gin is quoted at $4.75 in the Maryland dispensary, while the best of domestic gin sells for $2 in Washington drug stores.

I have a price list from Pennsylvania dispensaries, showing the cheapest bottled in bond at $6.50. All others quoted above that figure.

The dispensary prices equal the old bootleggers' prices.

Again, I say, do not perpetuate the speak-easy by providing for a dispensary system.

The saloon is more preferable than the speak-easy.

I told you this city is overrun with speak-easies, not only on the streets, but in office buildings.

You read from time to time of the killings in speak-easies. Just a few weeks ago a gangster, one of Washington's worst gunmen, was slain in one before the eyes of a hundred people and the killer has not been apprehended.

You must provide for a place, a legal place, for a man to get a drink who does not want liquor in his home. This bill reported by the committee makes this provision.

Pass this bill and have faith in Commissioners Hazen, Allen, and Gotwals to see that it is strictly enforced, which will mean the elimination of the saloon and a far worse evil—the speak-easy.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, there has been some talk here about the open saloon and violation of the Democratic platform. The Commissioners who drew this bill were appointed in the last 2 or 3 months by the President of the United States, the man who put the antisaloon plank in the Democratic platform. Certainly no one here will say that these men, having been appointed by the President, will arbitrarily as their first act as Commissioners of the District of Columbia violate the very platform promise made by the President. Let us get away from this idea. If this is in violation of the Democratic platform the President will not stand for it; for as my colleague from Virginia has stated, the President made a request of all Governors not to

permit the open saloon. Is it reasonable to believe the President will sign a bill which violates his own request? So, there is no question but what the President knows the contents of this bill and is satisfied with it. Neither is there any question of there being an open saloon.

The eighteenth amendment was repealed in order that the American people might take a drink. How shall they have it, out in the open or in speak-easies and furnished rooms of rooming houses? What will happen if one is compelled to buy a pint or a quart of liquor every time he wants a drink, or if 4 or 5 men not individually having the price of a pint or a quart of liquor chip in their nickels and their dimes to get it and go back in the alley and drink it, or go into some dark back room about which the police know nothing?

Suppose you prohibit hotels and restaurants selling liquor and wines; what will happen? How will you control the liquor traffic? There is no limitation as to what you can buy under the so-called "dispensary system." If I have some friends who want a drink of liquor I buy a quart and take them to a hotel or restaurant. The proprietor is not charged with violating the law. I may get beastly drunk in that place and the proprietor cannot control it because he does not sell it.

On the other hand, if you permit the proprietor to sell liquor, the minute he or his agents or servants see a person taking a little more than he can carry he will say to whomever it may be: "You have enough; you cannot get any more." But what can the proprietor say to the man or woman who goes into his place and says, "I want a meal; give me some steaks"; who pulls out his flask and says, "Give me a bottle of ginger ale"; who sits there with his wife, or with a lady friend, and drinks that whole quart and then has to be taken out? How will you regulate such situations?

Mr. Chairman, what we want is regulation. The more regulation we have, the more temperance we will have. Let the police and the Commissioners of the District have control of the sale of liquor. If we are to have a dispensary system, as the gentleman from Ohio says, let us start with the distillery; let us control all the liquor in the country and then dispense it to each individual in the United States so much a week, maybe 2 ounces, maybe 3 ounces, or maybe a pint; and make it a violation of law if anyone consumes more than a specified quantity within the week, the month, or whatever period of time the law may prescribe. Then we shall have a real genuine dispensary system. But we must start at the distillery; we cannot start at the retail store. In Maryland we have had experience with the effort to limit sale and consumpion. There are nine Eastern Shore counties represented by the gentleman from Maryland, my colleague [Mr. GOLDSBOROUGH]. Of course, he had no part in formulating the law of 1914; but, to continue with my statement, the dry section of the Eastern Shore of Maryland insisted that a citizen be permitted to have a gallon a month. One of my friends from an Eastern Shore county whose name, I think, is Dodson, the son of a preacher, a dry gentleman, wanted to give the people of that district what they wanted, so he voted to give them a gallon a month each. In order to get this liquor they had to make an application and attach to it an affidavit. Finally this man found that apparently his father prescribed for somebody. Of course, it was not so; it was not his father's signature on the prescription; someone had forged his name. So my friend came to Annapolis the next year and asked for the repeal of the law. This is what you call "dry" sentiment.

People want to drink; drinking cannot be stopped, and prohibition has illustrated this. Let us give it to the people in the open. Let the police regulate it. Let us say to the man who handles it, the man who pays the $700 or $1,000 for a license, the hotel keeper, or whoever he may be, that he cannot sell to a person who is intoxicated. I have had experience in this matter. When I was 20 years of age my life was threatened because I would not sell to an intoxicated man. Nevertheless, he did not get the drink. Under the dispensary system there cannot be this restriction on drunkenness. If you say to the hotel or restaurant keepers, "We will take your license away from you if you violate the law", do you think those responsible for the operation of the Raleigh, the Washington, the Willard, the Mayflower, and similar hotels will violate the law?

[Here the gavel fell.]

Mr. STALKER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act of Congress entitled "An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries", approved October 28, 1919, and all acts supplemental to and amendatory thereof, insofar as they affect the manufacture, sale, and possession in the District of Columbia and the transportation in, into, and from the District of Columbia of alcoholic beverages upon which the Federal tax has been paid, are hereby repealed, with the exception of section 4 of title II of said act of Congress, approved October 28, 1919, insofar as it affects denatured alcohol and title III of said act.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the section and to substitute in lieu thereof the provisions of H.R. 6148, which is the dispensary bill.

Mr. BLACK. I make a point of order against the amendment, Mr. Chairman, on the ground that it is not germane.

Mr. SMITH of Virginia. I should like to be heard on the point of order.

The CHAIRMAN. What is the point of order?

Mr. BLACK. The point of order is that the amendment is not germane to the bill itself nor to the section just read.

The CHAIRMAN. The amendment has not been reported as yet.

Mr. BLACK. I ask unanimous consent that we dispense with the reading of the amendment. It is a long amendment, and I believe everybody understands it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SMITH of Virginia: Page 1, strike out all of section 1 down to and including line 7 on page 2, and insert in lieu thereof the provisions of H.R. 6148.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the reading of the amendment be dispensed with. Is there objection?

There was no objection.

The amendment in full is as follows:

Be it enacted, etc., That this act may be cited as "The Alcoholic Beverage Act."

SEC. 2. The following terms, wherever used or referred to in this act, shall have the following meaning unless a different meaning clearly appears from the context:

(a) "Alcohol" shall mean the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or oftener, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol denatured in accordance with formulas approved by the Government of the United States; the word "alcohol" when used in the phrase "more than 3.2 percent of alcohol by weight" shall mean all alcohol whether obtained by distillation, fermentation, or otherwise;

(b) "Alcoholic beverages" shall include the four varieties of liquor defined herein as alcohol, spirits, wine, and beer, and any one or more of such varieties, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than 1 of the 4 varieties above defined shall be considered as belonging to that variety which has the higher percentage of alcohol however obtained, according to the order in which they are set forth in this subsection;

(c) "Beer" shall mean any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and hops, or of any similar products in drinkable water and containing, unless otherwise expressly provided, more than 3.2 percent of alcohol by weight; this definition shall include ale, porter, and stout;

(d) "Board" shall mean the District of Columbia Alcoholic Beverage Control Board;

(e) "Bottle" shall mean any vessel intended to contain liquids and having a capacity of not more than 43 ounces;

(f) "Club" shall mean any nonprofit corporation or association which is the owner, lessee, or occupant of an establishment oper-

ated solely for objects of a national, social, patriotic, political, or athletic nature, or the like, but not for pecuniary gain, the advantages of which belong to all the members; it also shall mean the establishment so operated;

(g) "Dentist" shall mean any person duly authorized to practice dentistry pursuant to the laws of the District of Columbia;

(h) "Dining room" shall mean a public room in which full meals are regularly served;

(i) "Druggist" shall mean any person duly authorized to operate a pharmacy pursuant to the laws of the District of Columbia;

(j) "Establishment" shall mean any place where alcoholic beverages of one or more varieties are manufactured, sold, or used pursuant to the provisions of this act;

(k) "Government store" shall mean a store established by the board under this act for the sale of alcoholic beverages or any one or more varieties thereof;

(l) "Hotel" shall mean any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons; and which has 10 or more bedrooms; it shall also mean the person who operates such hotel;

(m) "Interdicted person" shall mean a person to whom the sale of alcoholic liquor is prohibited by order pursuant to this act;

(n) "Intoxicated": Any person who has drunk enough alcoholic beverages to so affect his manner, disposition, speech, muscular movement, general appearance, or behavior, as to be apparent to observation, shall be deemed to be intoxicated;

(o) "Manager" shall mean the appointee of the board in charge of a Government store;

(p) "Member of a club" shall mean a person who maintains his membership in the said club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof;

(q) "Package" shall mean any container, bottle, vessel, or other receptacle used for holding alcoholic beverages;

(r) "Person" shall include an individual, partnership, association, or corporation;

(s) "Physician" shall mean any person duly authorized to practice medicine pursuant to the laws of the District of Columbia;

(t) "Public place" shall mean any place, building, or conveyance to which the public has, or is permitted to have access, and any highway, street, lane, park, or place of public resort or amusement;

(u) "Residence" shall mean any building or part of a building or tent where a person resides, but does not include any part of a building which part is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof;

(v) "Restaurant" means any establishment, provided with special space and accommodation, where, in consideration of payment, food (without lodging) is habitually furnished to persons;

(w) "Sale" and "sell" shall include exchange, barter, and traffic, and any delivery made otherwise than gratuitously, by any means whatsoever, of alcoholic beverages, to solicit or receive an order for alcoholic beverages; to keep, offer, or expose the same for sale; to peddle;

(x) "Spirits" shall mean any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, and includes, among other things, brandy, rum, whisky, and gin; but shall not include any such liquors denatured in accordance with formulas approved by the United States;

(y) "Veterinary" shall mean any person duly authorized to practice veterinary science pursuant to the laws of the District of Columbia; and

(z) "Wine" shall mean any beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar, including honey and milk, either with or without additional sugar, and containing more than 3.2 percent of alcohol by weight.

SEC. 3. (a) There is hereby created as an agency of the District of Columbia the District of Columbia Board of Alcoholic Beverage Control.

(b) The board shall consist of three members appointed by the Commissioners of the District of Columbia. One of the members of the board shall be appointed for a term of 1 year, one for a term of 3 years, and one for a term of 5 years; subsequent appointments shall be for a term of 5 years each, except appointments to fill vacancies which shall be for the unexpired terms. The Commissioners shall designate one of the members of the board chairman thereof. The board, under rules adopted by itself, may elect one of its members chairman, pro tempore, and another, or some other person, as secretary. Two members of the board shall constitute a quorum.

(c) Each member of the board shall receive a salary of $5,000 per annum.

(d) Members of the board may be suspended or removed by the Commissioners at their pleasure.

(e) Each member of the board shall devote his full time to the performance of his official duties.

(f) No member, officer, agent, or employee of the board shall, directly or indirectly, individually, or as a member of a partnership, or of an association, or as a member or stockholder of a corporation, have any interest whatsoever in the manufacture of or in dealing in alcoholic beverages, or in any enterprise or industry in which alcoholic beverages are required, or receive any commission or profit whatsoever or have any interest whatsoever in the purchase or sale of alcoholic beverages by the board or by any other person whatsoever, or have any interest in or mortgage or deed or trust on any land or building where alcoholic beverages are manufactured for sale, kept for sale, offered for sale or sold, or any personal property used therein, or in any contract, other than his contract of employment, made with the board.

The provisions of this subsection shall not prevent any member, officer, agent, or employee of the board from purchasing and keeping in his possession, for the personal use of himself, members of his family, or guests, alcoholic beverages which may be purchased or kept by any person by virtue of this act.

SEC. 4. The functions, duties, and powers of the board shall be as follows:

(a) To buy, import, and sell alcoholic beverages, other than beer, and to have alcoholic beverages in its possession for sale;

(b) To control the possession, sale, transportation, and delivery of alcoholic beverages by the board;

(c) To determine the localities within which Government stores shall be established and operated and the location of such stores;

(d) To make provision for the maintenance of warehouses for alcoholic beverages and to control the delivery of alcoholic beverages to and from such warehouses, and the keeping of the same therein;

(e) To lease, occupy, and improve any land or building required for the purpose of this act;

(f) With the consent of the Congress to purchase or otherwise acquire title to any land or building required for the purposes of this act and to sell the same;

(g) To purchase, lease, or acquire the use by any manner whatsoever of any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this act, including rectifying, blending, and processing plants, but not manufacturing plants;

(h) To determine the nature, form, and capacity of all packages to be used for containing alcoholic beverages to be kept or sold under this act and to prescribe the form and contents of all labels and seals to be placed thereon;

(i) To appoint every officer, agent, and employee required for its operations, dismiss them, fix their salaries or remuneration, assign them their official positions and titles, define their respective duties and powers, require them or any of them to give bonds payable to the United States in such penalty as shall be fixed by the board, and engage the services of experts and of persons engaged in the practice of a profession; all salaries or remuneration in excess of $1,000 per annum shall first be approved by the Commissioners of the District of Columbia; members, officers, agents, and employees of the board are authorized and empowered to arrest persons for any disorderly conduct in or about any Government stores or property of the board or for violations of the provisions of this act committed in their absence;

(j) To hold and conduct hearings, to issue subpenas requiring the attendance of witnesses and the production of records, memoranda, papers, and other documents before the board of any officer or agent thereof, and to administer oaths and to take testimony thereunder; in its discretion to authorize any member, officer, or agent of the board to hold and conduct hearings, issue subpenas, and administer oaths and take testimony thereunder; and

(k) Generally to do all such things as may be deemed necessary or advisable by the board for the purpose of carrying into effect the provisions of this act.

SEC. 5. (a) The board may from time to time make such regulations not inconsistent with this act as the board shall deem necessary for carrying out the provisions of this act, and from time to time alter, repeal, or amend such regulations or any of them. Such regulations shall be published at least once in some newspaper published in the District of Columbia and in any other manner which the board may deem advisable, and upon being so published shall have the force and effect of law.

(b) Prima facie evidence of any such regulation may be given in all courts and proceedings by the production of what purports to be an officially printed copy of such regulation, alteration, repeal, or amendment.

SEC. 6. (a) No member of the board may be sued civilly for doing or omitting to do any act in the performance of his duties as prescribed by this act, except by the United States.

(b) The board may in the name of the United States of America at the relation of the District of Columbia alcoholic beverage control board be sued in the Supreme Court of the District of Columbia to enforce any contract made by the board or to recover damages for any breach thereof and may defend such proceedings and may institute proceedings in any court. No such proceedings shall be taken against, or in the names of, the members of the board.

SEC. 7. (a) The board shall from time to time make reports to the Commissioners of the District of Columbia covering such matters in connection with the administration and enforcement of this act as they may require, and shall annually make to the said Commissioners a report for the 12 months ending on the 30th day of June in the year in which the report is made, which shall contain:

(1) A statement of the nature and amount of the business transacted by each Government store under this act during the year;

(2) A statement of the assets and liabilities of the board, including a profit-and-loss account, and such other accounts and matters as may be necessary to show the result of the operations of the board for the year; and

(3) A statement showing the taxes collected under this act during the year.

(b) The books and records of the board shall at all times be subject to examination and audit by the Auditor of Public Accounts and such agency as the Commissioners of the District of Columbia may designate.

SEC. 8. The board shall keep such complete and accurate records as shall be necessary to show:

(1) All moneys received by the board;

(2) All disbursements of money made by the board;

(3) The amount of money on deposit and on hand;

(4) The security given the board by depositories of the board;

(5) The kinds and amounts of alcoholic beverages on hand and the location thereof;

(6) All indebtedness and all contracts of the board;

(7) All receipts from and costs and expenses incurred for and on behalf of each Government store; and

(8) All real estate owned or leased and all real estate sold by the board.

SEC. 9. (a) The board may establish, maintain, and operate in such locations as shall be considered advisable by the board, Government stores for the sale of alcoholic beverages, other than beer, in accordance with the provisions of this act and may discontinue any such store or stores when in its discretion it is advisable to do so.

(b) The board shall, from time to time, fix the prices at which the various classes, varieties, and brands of alcoholic beverages shall be sold in such stores.

(c) The sale of alcoholic beverages at each Government store shall be conducted by a manager, and by such other officers, agents, and employees as may be appointed hereunder, who shall, under the direction of the board, be responsible for the carrying out of the provisions of this act and the regulations of the board insofar as they relate to the conduct of such store and the sale of alcoholic beverages thereat.

(d) No alcoholic beverages shall be sold in a Government store except in a closed package, sealed and containing such label as the board shall prescribe.

(e) No alcoholic beverages shall be consumed in a Government store by any person.

(f) No more than 1 gallon of alcohol or spirits shall be sold to any one person at any one time in any Government store; this provision shall not limit the amount that may be sold by the board in Government stores or otherwise for industrial purposes and to druggists licensed under this act.

(g) The board may from time to time adopt regulations relating to the sale, delivery, and shipment of alcoholic beverages, and alter, amend, or repeal the same in order to prevent the unlawful sale and delivery thereof in and from Government stores.

SEC. 10. (a) Every order of the board for the purchase of alcoholic beverages shall be authenticated by the chairman of the board or by a member of the board authorized by the board to authenticate such orders, and no order shall be binding unless so authenticated.

(b) A duplicate of every such order shall be kept on file in the office of the board.

(c) All cancelations of orders made by the board shall be authenticated in the same manner and a duplicate thereof kept as herein provided.

SEC. 11. No sale or delivery of alcoholic beverages shall be made at any Government store, nor shall any such store be kept open for the sale of alcoholic beverages—

(a) On Sunday;

(b) On any public holiday fixed pursuant to the provisions of the laws of the District of Columbia;

(c) During such other periods and on such other days as the board may direct.

SEC. 12. (a) All moneys received by the board from the sale of alcoholic beverages and from license taxes shall be deposited by the board in such bank or banks or trust company or trust companies as shall be designated by the board.

(b) All disbursements of moneys so deposited by the board shall be by check, draft, or other order signed by the secretary of the board, and countersigned by the chairman or another member of the board designated by the board, or by some officer or agent of the board authorized and designated by the board for such purpose.

SEC. 13. The board shall make all payments necessary for the administration of this act, including the payment of the salaries and remuneration of the members, officers, agents, and employees of the board, and all costs and expenses incurred in establishing and maintaining Government stores and in the administration of this act.

SEC. 14. (a) The accounts of the board shall be made up to and including the 31st day of March, the 30th day of June, the 30th day of September, and the 31st day of December in each year and at such other times as may be determined by the Commissioners of the District of Columbia, and in every case the board shall prepare a balance sheet and statement of profit and loss and submit the same to the said Commissioners.

SEC. 15. The net profits derived by the board under the provisions of this act shall, after deducting therefrom such sums as may be allowed the board by the Commissioners of the District of Columbia for the creation of a reserve fund to meet any losses that may be incurred by the board in connection with the administration of this act and to provide for the depreciation on the buildings, plant, and equipment owned, held, or operated by the board, be paid by the board into the Treasury of the United States to the credit of the District of Columbia, quarterly, within 30 days after the close of each quarter.

SEC. 16. The board may grant the following licenses under the provisions of this act:

(a) Distillers' licenses, which shall authorize the licensees to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same in accordance with regulations of the board, in barrels, bottles, or other closed containers to the board and to persons outside of the District of Columbia for resale outside of the District of Columbia, except that no deliveries or shipments shall be made into any State the laws of which prohibit the consignee from receiving or selling the same.

(b) Winery licenses, which shall authorize the licensees to manufacture wines and to sell and deliver or ship the same in accordance with regulations of the board, in barrels, bottles, or other closed containers to the board, to persons outside of the District of Columbia, for resale outside of the District of Columbia, except that no deliveries or shipments shall be made into any State the laws of which prohibit the consignee from receiving or selling the same.

(c) Brewery licenses, which shall authorize the licensees to manufacture beer and to sell and deliver or ship the same, in accordance with regulations of the board, in barrels, bottles, or other closed containers to the board, to persons licensed under the provisions of this act to sell the same at wholesale or retail for the purpose of resale, and to persons outside of the District of Columbia for resale outside of the District of Columbia, except that no deliveries or shipments shall be made into any State the laws of which prohibit the consignee from receiving or selling the same.

(d) Bottlers' licenses, which shall authorize the licensees to acquire and receive deliveries and shipments of beer in barrels or other closed containers and to bottle, sell, and deliver or ship the same, in accordance with regulations of the board, to the board, to persons licensed under the provisions of this act to sell the same at wholesale or retail for the purpose of resale, and to persons outside of the District of Columbia for resale outside of the District of Columbia, except that no deliveries or shipments shall be made into any State the laws of which prohibit the consignee from receiving or selling the same.

(e) Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the same, in accordance with regulations of the board, in barrels, bottles, or other closed containers to the board, to persons licensed under the provisions of this act to sell the same at retail, for the purpose of resale, and to persons outside of the District of Columbia, for resale outside of the District of Columbia, except that no deliveries or shipments shall be made into any State the laws of which prohibit the consignee from receiving or selling the same.

(f) Retail on-premises wine and beer licenses to—

(1) Hotels, which licenses shall authorize the licensees to sell wine and beer in dining rooms and other designated rooms thereof, either with or without meals, for consumption on the premises only in such rooms or in private guest rooms thereof;

(2) Restaurants, which licenses shall authorize the licensees to sell wine and beer in the dining rooms thereof, either with or without meals, for consumption on the premises only in such dining rooms;

(3) Clubs, which licenses shall authorize the licensees to sell wine and beer in the dining rooms, and other designated rooms thereof, either with or without meals, for consumption on the premises only in such rooms or in private guest rooms thereof.

(g) Retail on-premises beer licenses to—

(1) Hotels, which licenses shall authorize the licensees to sell beer in the dining rooms and other designated rooms thereof either with or without meals, for consumption on the premises only in such rooms or in private guest rooms thereof;

(2) Restaurants, which licenses shall authorize the licensees to sell beer in dining rooms thereof, either with or without meals, for consumption on the premises only in such dining rooms;

(3) Clubs, which licenses shall authorize the licensees to sell beer in the dining rooms and other designated rooms thereof, either with or without meals, for consumption on the premises only in such rooms or in private guest rooms thereof.

(h) Retail off-premises wine and beer licenses which shall authorize the licensees to sell wine and beer at retail only in closed packages for consumption off the premises of such licensees and to deliver or ship the same to the purchasers thereof, in accordance with regulation of the board.

(i) Druggists' licenses to druggists, which licenses shall authorize the licensees to sell alcoholic beverages upon prescriptions as provided in section 27 of this act.

(j) Banquet licenses to persons in charge of banquets, which licenses shall authorize the licensees to sell wine and beer in designated rooms for consumption on the premises; a separate license shall be required for each banquet, but no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license issued under the provisions of this act.

(k) The term "designated rooms" as used in this section shall mean rooms approved by the board for particular licensees.

SEC. 17. (a) Every person intending to apply for any license provided for under the provisions of this act, except banquet licenses, shall, not more than 30 days and not less than 10 days before applying to the board for such license, post a notice of such intention on the front door of the building, place, or room where he proposes to engage in such business and publish a copy of such

notice at least once in a newspaper published in or having a general circulation in the District of Columbia.

(b) Every person desiring a license under the provisions of this act shall, after publishing notice of his intention as provided in subsection (a) of this section, file with the board an application therefor on forms provided by the board and a statement in writing and under oath setting forth such information as the board shall require.

SEC. 18. (a) The board shall refuse to grant any license mentioned in this act if it shall be of the opinion—

(1) That the applicant is not a suitable person to be so licensed;

(2) That the place to be occupied by the applicant is not a suitable place;

(3) That a sufficient number of licenses have already been issued; or

(4) That the license should not be issued.

(b) The board shall not issue any license until the license tax required by section 20 of this act is paid to the board.

(c) The action of the board in granting or in refusing to grant any license under the provisions of this act shall not be subject to review by any court, nor shall any mandamus or injunction lie in any such case.

SEC. 19. (a) No retail on-premises wine and beer license, retail on-premises beer license, retail off-premises wine and beer license, druggist's license, or banquet license shall be issued to any manufacturer, bottler, or wholesaler of alcoholic beverages, whether licensed in the District of Columbia or not, nor to any officer or director of any such manufacturer, bottler, or wholesaler, nor to any partnership, association, or corporation, any partner, member, or stockholder of which is an officer or director of any such manufacturer, bottler, or wholesaler.

SEC. 20. (a) The taxes on licenses issued pursuant to the provisions of this act shall be as follows:

(1) For each distiller's license, if to manufacture not in excess of 500 gallons of alcohol or spirits or both during the year in which the license is issued, $100, and if to manufacture more than 500 gallons during each year, $1,000 per annum;

(2) For each winery license, $1,000 per annum;

(3) For each brewery license, $1,000 per annum;

(4) For each bottler's license, $500 per annum;

(5) For each wholesale beer license, $250 per annum;

(6) For each retail on-premises wine and beer license to a hotel, restaurant, or club, $200 per annum;

(7) For each retail on-premises beer license to a hotel, restaurant, or club, $100 per annum;

(8) For each retail off-premises wine and beer license, $50 per annum;

(9) For each druggist license, $10 per annum; and

(10) For each banquet license, $5.

(b) All licenses issued pursuant to this act shall expire on the 31st day of December next following the date of issuance.

(c) The tax on each such license shall be subject to proration to the following extent: If the license is issued in the second quarter of any year, the tax shall be decreased by one fourth; if issued in the third quarter of any year, the tax shall be decreased by one half; and if in the fourth quarter of any year, the tax shall be decreased by three fourths.

Any licensee who obtains a license and pays the tax prescribed under the provisions of this section shall be exonerated from obtaining the license or paying the tax prescribed in the act entitled "An act to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes", approved April 5, 1933; and the license obtained under the provisions of this act shall likewise entitle the holder thereof to dispense the beverages prescribed in said act approved April 5, 1933.

SEC. 21. (a) Each license issued by the board under the provisions of this act shall designate the place where the business of the licensee will be carried on. A separate license shall be required for each separate place of business.

(b) No such license shall be transferable from one person to another but may be amended to show a change in the place of business.

(c) Each license shall be kept posted in a conspicuous place by the licensee at the place where he carries on the business for which the license is issued.

SEC. 22. The board shall prescribe by regulations, which it may from time to time alter, amend, or cancel, between what hours and on what days wine and beer shall not be sold by persons licensed under the provisions of this act.

SEC. 23. The board may cancel any licenses issued by it if it shall be of the opinion—

(1) That the licensee is not a suitable person to hold such license;

(2) That the place occupied by the licensee is not a suitable place;

(3) That the number of licenses issued should be reduced; or

(4) That the license should be revoked.

SEC. 24. (a) There is hereby levied on all beer manufactured in the District of Columbia an excise tax at the rate of $1 per barrel of 31 gallons, and a like rate for any fair part thereof. Such tax shall be paid by the person who manufactures the said beer.

(b) There is hereby levied on all beer bottled in the District of Columbia and on all beer sold in the District of Columbia an excise tax at the rate of $1 per barrel of 31 gallons, and a like rate for any fair part thereof. The tax herein levied shall be paid by the respective bottlers and wholesalers of the said beer. No such tax shall be collected upon any beer bottled or sold in the District of Columbia when the excise tax provided for in this act shall have been previously levied and paid thereon in full; but if on beer bottled in the District of Columbia there shall have been paid by the manufacturer the excise tax herein levied on beer manufactured in the District of Columbia, such bottler shall pay all additional excise taxes which may be due on such beer in bottled form.

(c) When any person shall sell or offer for sale in the District of Columbia any beer purchased or obtained from any person not licensed either as a brewery, bottler, or wholesaler under the provisions of this act, and on which the excise tax herein levied has not been paid, such person shall pay the tax levied in the preceding subsection.

SEC. 25. (a) Every person who is licensed in the District of Columbia to manufacture, to bottle, or to sell at wholesale any alcoholic beverages shall keep a complete and accurate record of all alcoholic beverages manufactured, bottled, and/or sold by him. Such records shall show the quantities of all such alcoholic beverages manufactured and/or bottled by him, the dates of all sales and deliveries or shipments, the names and addresses of all persons to whom sales and deliveries or shipments are made, the quantities and kinds of alcoholic beverages sold and delivered or shipped and the prices charged therefor.

(b) Every person licensed to sell at retail any alcoholic beverages shall keep a complete and accurate record of all purchases thereof, the dates of such purchase, the kinds and quantities of alcoholic beverages purchased, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every such licensee shall also preserve all invoices showing his purchases. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor; such account need not give the names or addresses of the purchasers thereof.

(c) All such records, invoices, and accounts shall at all times be open to inspection by the board and any person or persons that may be designated as its agent.

(d) The board and the agents duly authorized by it shall at all times be allowed free access during business hours to every place where alcoholic beverages are manufactured, bottled, stored, offered for sale, or sold, for the purpose of examining and inspecting such place and all records, invoices, and accounts therein.

SEC. 26. The provisions of this act shall not be construed to prevent nor to require any person to be licensed under the provisions of this act to engage in—

(a) The manufacture, sale, and delivery or shipment by persons authorized under existing laws to engage in such business of any medicine containing sufficient medication to prevent the same being used as a beverage.

(b) The manufacture, sale, and delivery or shipment by persons authorized under existing laws to engage in such business of any medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia and national formulary patent and proprietary preparations, and other bona fide medicinal and technical preparations, which contain no more alcohol than is necessary to extract the medicinal properties of the drugs contained in such preparations, and no more alcohol than is necessary to hold the medicinal agents in solution and to preserve the same, and which are manufactured and sold to be used exclusively as medicine and not as beverages.

(c) The manufacture, sale, and delivery or shipment of toilet, medicinal, and antiseptic preparations and solutions not intended for internal human use nor to be sold as beverages.

(d) The manufacture and sale of food products known as "flavoring extracts" which shall be so manufactured and sold for cooking and culinary purposes only and not to be sold for beverage purposes.

(e) The Board may by regulations, which it may from time to time alter, amend, or repeal, permit the manufacture, sale, delivery, and shipment of "Sterno" canned heats and other similar substances without requiring a license therefor.

SEC. 27. Except as otherwise provided in section 26 of this act, persons holding druggists' licenses issued under the provisions of this act shall sell alcoholic beverages only for medicinal purposes, and then only upon a written prescription of a physician, setting forth the name and address of the person for whom prescribed, the kind and quantity of alcoholic beverages prescribed.

Each druggist shall preserve, separate from other prescriptions, for a period of 2 years from the date filled, all prescriptions for alcoholic beverages filled by him. Such prescriptions shall at all times be open to the inspection of the board and of any duly authorized agent thereof.

SEC. 28. (a) A physician may administer alcoholic beverages to a bone fide patient in cases of actual need when in the judgment of the physician the use of alcoholic beverages is necessary.

(b) A dentist who deems it necessary that a bona fide patient being then under treatment by him is in actual need of and should be supplied with alcoholic beverages as a stimulant or restorative, may administer to the patient alcoholic beverages.

(c) A veterinary who deems it necessary may, in the course of his practice, administer or cause to be administered alcoholic beverages to a dumb animal.

(d) A person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may administer, or cause to be administered, alcoholic beverages to any bona fide patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for emergency medicinal purposes, and may charge for the alcoholic beverages so administered.

SEC. 29. (a) When, after hearing upon due notice, it shall be made to appear to the satisfaction of the Supreme Court of the District of Columbia or any judge thereof in vacation, that any person, resident or sojourning within the District of Columbia, has, on or after the day on which this act becomes effective, been convicted of driving or running an automobile, car, truck, motorcycle, engine, or train while intoxicated or has shown himself to be an improper person to be allowed to purchase alcoholic beverages, the court or the judge thereof in vacation may make an order of interdiction prohibiting the sale of alcoholic beverages to such person until further ordered. The court or judge entering any such order shall cause a copy of the same to be forthwith filed with the board.

(b) Upon any such order being filed with the board, the board shall forthwith notify, in such manner as it may provide by its regulations, the interdicted person, the managers of the Government stores and all persons licensed under the provisions of this act to sell alcoholic beverages at retail, of such order. It shall thereafter as long as such order shall remain in effect be unlawful for anyone to sell alcoholic beverages to such interdicted person except in accordance with the provisions of sections 26, 27, and 28 of this act.

(c) The board, court, or judge entering any order of interdiction may thereafter at any time alter, amend, or cancel the same as in its judgment it shall deem proper. A copy of each such alteration, amendment, and cancelation shall be filed with the board and notice thereof given by the board as hereinafter provided as to orders of interdiction.

(d) Any hearing or investigation under this section by any court or judge may be held in private if the court or judge shall so direct.

SEC. 30. All alcoholic beverages and materials used in the manufacture of alcoholic beverages and containers in which alcoholic beverages are manufactured, kept, stored, possessed, sold, or in any manner used in violation of the provisions of this act, shall be deemed contraband and shall be forfeited to the United States.

SEC. 31. If there be complaint on oath that alcoholic beverages are being manufactured, sold, kept, stored, or in any manner held, used, or concealed in a particular house or other place in violation of law, the proper officer charged with the duty of issuing search warrants, to whom such complaint is made, if satisfied that there is reasonable cause for such belief, shall issue a warrant to search such house or other place for alcoholic beverages. Such warrants, except as herein otherwise provided, shall be issued, directed, and executed in accordance with existing general laws.

SEC. 32. All proceedings for the confiscation of articles declared contraband and forfeited under this act shall be proceeded against as provided by existing law in the case of confiscated and contraband articles.

SEC. 33. (a) Except as otherwise provided in section 26 of this act, if any person shall manufacture in the District of Columbia alcoholic beverages without being licensed under the provisions of this act to manufacture such alcoholic beverages, or if any person other than one who holds a brewery license or a bottler's license, under the provisions of this act shall bottle beer for sale, he shall be guilty of a misdemeanor.

(b) Every person found at any distillery, winery, or brewery where alcoholic beverages are being manufactured in violation of the provisions of this act shall be deemed prima facie guilty of manufacturing the same or aiding and abetting in such manufacture and upon conviction thereof shall be punished as if personally manufacturing the same.

SEC. 34. If any person who is not licensed under the provisions of this act to sell alcoholic beverages in the District of Columbia shall sell any alcoholic beverages other than permitted by the provisions of this act, he shall be guilty of a misdemeanor.

SEC. 35. If any person who holds a license issued under the provisions of this act—

(a) shall sell any alcoholic beverages of a kind other than that which such license or this act authorizes him to sell; or

(b) shall sell beer to which wine, spirits, or alcohol, or more than one of any such alcoholic beverages, has been added; or

(c) shall sell wine to which spirits or alcohol, or both, have been added, otherwise than as required in the manufacture thereof under regulations of the board; or

(d) shall sell alcoholic beverages of a kind which such license or this act authorizes him to sell, but to any person other than to those to whom such license or this act authorizes him to sell; or

(e) shall sell alcoholic beverages which such license or this act authorizes him to sell, but in any place or in any manner other than such license of this act authorizes him to sell; or

(f) shall sell any alcoholic beverages when forbidden by the provisions of this act; or

(g) shall keep or allow to be kept other than in his residence and for his personal use, any alcoholic beverage, other than that which he is authorized to sell by such license, or by this act, he shall be guilty of a misdemeanor.

SEC. 36. If any person shall, except pursuant to the provisions of sections 26, 27, and 28 of this act, sell any alcoholic beverages—

(a) to any person less than 18 years of age; or

(b) to any interdicted person; or

(c) to any person who is intoxicated; or

(d) to any patient under the supervision or control of any District or State hospital, whether such patient be on furlough or otherwise, he shall be guilty of a misdemeanor.

SEC. 37. If any person licensed under the provisions of this act to sell wine at retail shall sell any wine not purchased from the board, he shall be guilty of a misdemeanor.

SEC. 38. Any person licensed under the provisions of this act who shall fail or refuse to pay any excise tax provided for in section 24 of this act, or shall fail or refuse to deliver, keep, and preserve such records, invoices, and accounts as required by section 25 of this act, or shall fail or refuse to allow such records, invoices, and accounts or his place of business to be examined and inspected as herein provided, shall be guilty of a misdemeanor.

SEC. 39. If any person shall for any purpose whatsoever mix or permit or cause to be mixed with any alcoholic beverages kept for sale, sold, or supplied by him as a beverage any drug, or any form of methol alcohol, or any crude, unrectified or impure form of ethol, alcohol, or any other deleterious substance or liquid, he shall be guilty of a misdemeanor.

SEC. 40. If any person shall advertise in or send any advertising matter into the District, except in accordance with rules and regulations of the board, he shall be guilty of a misdemeanor.

SEC. 41. If any person shall buy alcoholic beverages from any person other than a Government store or some person authorized under the provisions of this act to sell the same, he shall be guilty of a misdemeanor.

SEC. 42. If any person, other than a common carrier, shall have, possess, keep, carry, ship, or transport alcoholic beverages, which are acquired by such person or any person for whom he is acting in violation of the provision of this act, he shall be guilty of a misdemeanor.

SEC. 43. If any person shall while intoxicated be at or in any public place, he shall be guilty of a misdemeanor.

SEC. 44. (a) If any person shall take a drink of alcoholic beverages or shall offer a drink of alcoholic beverages to another, whether accepted or not, at or in any public place, he shall be guilty of a misdemeanor.

(b) This section shall not prevent any person from drinking alcoholic beverages or offering a drink of alcoholic beverages to another in the dining room or other designated room, as defined in section 16 of this act, of a hotel, restaurant, or club, provided such hotel, restaurant, or club, or the person who operates the same, is licensed to sell for consumption in such dining room, or room, such alcoholic beverages and the alcoholic beverages drunk or offered were purchased therein.

SEC. 45. (a) If any manufacturer, bottler, or wholesaler of alcoholic beverages, whether licensed in the District or not, or any officer or director of any such manufacturer, bottler, or wholesaler shall have any financial interest, direct or indirect, in the business for which any retail license is issued, under the provisions of this act, or in the premises where the business of any person to whom any such retail license has been issued is conducted, or either directly or indirectly shall rent, lend, or give to any person who holds any retail license issued under the provisions of this act, or to the owner of the premises on which the business of any such person so licensed is conducted any money, equipment, furniture, fixtures, or property with which the business of such retailer is or may be conducted, he shall be guilty of a misdemeanor.

(b) If any person licensed hereunder to sell at retail any alcoholic beverages shall consent to any violation of this section, he shall be guilty of a misdemeanor.

SEC. 46. If any member, officer, agent, or employee of the board shall be directly or indirectly interested or engaged in any other business or undertaking dealing in alcoholic beverages, whether as owner, part owner, partner, member of syndicate, shareholder, agent, or employee and whether for his own benefit or in a fiduciary capacity for some other person or if any member, officer, agent, or employee of the board of any employee of the District shall solicit or receive, directly or indirectly, any commission, remuneration, or gift whatsoever from any person or corporation having sold, selling, or offering alcoholic beverages for sale to the Board in pursuance of this act, or if any person selling or offering for sale to, or purchasing alcoholic beverages from the board shall either, directly or indirectly, offer to pay or pay any commission, profit, or remuneration, or make any gift to any member, officer, agent, or employee of the board, or to anyone on behalf of any such member, officer, agent, or employee, he shall be guilty of a misdemeanor.

SEC. 47. If any person shall unlawfully manufacture, transport, or sell any alcoholic beverages, as herein defined, and at the time of such unlawful manufacturing, transporting, or selling, or aiding or assisting in any manner in such act, shall carry on or about his person, or have on or in any vehicle which he may be using to aid him in any such purpose, or have in his possession, actual or constructive, at or within 100 yards of any place where any such alcoholic beverages is being unlawfully manufactured, transported, or sold, any firearm, dirk, bowie knife, razor, slingshot, metal knucks, or any weapons of like kind, he shall be guilty of a felony, and on conviction shall be confined in the penitentiary not less than 1 year nor more than 3 years, or, in the discretion of the court, confined in the jail for not less than 6 months nor more than 12 months.

SEC. 48. (a) No alcoholic beverages other than wines or beer shall be imported, shipped, transported, or brought into the District unless the same be consigned to the board; the board may, however, permit such alcoholic beverages ordered by it from without the District for persons for industrial purposes or for druggists to be shipped or transported direct to such persons.

(b) No wine shall be imported, shipped, transported, or brought into the District unless the same be consigned to the board; the board may, however, permit wine ordered by it from without the District for persons licensed under this act to sell the same at retail to be shipped or transported direct to such persons for purposes of resale.

(c) No beer shall be imported, shipped, transported, or brought into the District except to the board or to persons licensed under the provisions of this act to sell the same.

SEC. 49. It shall be unlawful for any person to attempt to do any of the things prohibited by this act or to aid or abet another in doing, or attempting to do, any of the things prohibited by this act.

On an indictment, information, or warrant for the violation of any provision of this act the jury of the court trying the case without a jury may find the defendant guilty of an attempt, or of being an accessory, and the punishment shall be the same as if the defendant were solely guilty of such violation.

SEC. 50. No action to recover the price of any alcoholic beverages sold in contravention of the provisions of this act may be maintained.

SEC. 51. The provisions of this act shall not be construed to prevent—

(a) Any person from keeping and possessing alcoholic beverages in his residence for the personal use of himself, his family, his servants, or his guests if such alcoholic beverages shall have been lawfully acquired by him, nor to prevent such person, his family, or servants from giving or serving such alcoholic beverages to guests in the said residence when such gift or service is in no wise a shift or device to evade the provisions of this act;

(b) Any club licensed under the provisions of this act from keeping for members of such club alcoholic beverages lawfully acquired by such members, provided such alcoholic beverages shall not be sold, dispensed, or given away in violation of any provision of this act.

SEC. 52. (a) Any person convicted of a misdemeanor under the provisions of this act, or convicted of violating any other provision of this act, or convicted of violating any regulation made by the board under the provisions of this act, shall, unless otherwise provided, be punished by a fine not exceeding $1,000 or confinement in jail not exceeding 12 months, or both, in the discretion of the court.

(b) In addition to the penalties imposed by this act for violations thereof, any court before whom any person is convicted of violating any provision of this act, may require such defendant to execute bond, with approved security, in the penalty of not more than $1,000, conditioned that the said defendant will not violate any of the provisions of this act for the term of 1 year. If any such bond be required and be not given, the defendant shall be committed to jail until it is given, or until he is discharged by the court, provided he shall not be confined therefor for a longer period than 6 months. If any such bond required by a court be not given during the term of the court by which conviction is had, it may be given before the judge thereof in vacation or before the clerk of the said court.

(c) The provisions of this act shall not be construed to prevent the board from canceling the license of any person convicted of violating any provisions of this act.

SEC. 53. No person shall be excused from testifying for the prosecution as to any offense committed by another under this act by reason of his testimony tending to incriminate himself, but the testimony given by such person when called to the stand by the prosecution shall in no case be used against him, nor shall he be prosecuted as to the offense as to which he testifies.

SEC. 54. The provisions of this act shall not apply to the manufacture, bottling, selling, offering for sale, distributing, carrying, shipping, transporting, possession, drinking, using, advertising, and dispensing in the District of Columbia of beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice containing not more than 3.2 percent of alcohol by weight.

SEC. 55. For the purpose of paying the salaries and remuneration of the members, officers, agents, and employees of the board, and all costs and expenses incurred by the board in establishing and maintaining Government stores, and in the administration of the provisions of this act, there is hereby authorized to be appropriated from funds in the Treasury not otherwise appropriated the sum of $50,000, or so much thereof as may be necessary, to be paid out on checks issued on vouchers signed by the secretary of the board and countersigned by the chairman or other member of the board designated by the board, or by some officer or agent of the board authorized and designated by the board for such purpose.

SEC. 56. If any part or parts, section, subsection, sentence, clause, or phrase of this act is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining parts of this act which shall remain in force as if such act had been passed with the unconstitutional part or parts, section, subsection, sentence, clause, or phrase thereof eliminated.

All acts or parts of acts in conflict with the provisions hereof are hereby repealed.

Mr. BLACK. Mr. Chairman, I make the point of order that the amendment is not germane to the bill or to the section.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. SMITH of Virginia. After the gentleman from New York concludes, I want to be heard on the point of order.

Mr. BLACK. The bill sought to be passed here and which is desired to be amended by the gentleman from Virginia sets up a regulation in connection with the sale of liquor in the District of Columbia. The amendment proposed by the gentleman from Virginia [Mr. SMITH] contains a plan by which the Government, through the District of Columbia and a board of the District of Columbia, will actually engage itself, and for profit, in the liquor business. It provides that the board may lease suitable buildings. It provides that the board must keep books of account covering the sale and purchase of liquor. It provides that liquor in the first instance may only be sold by the board and that the board may be the only wholesaler in the District of Columbia. It provides for Government stores in the District of Columbia. This is a far different proposition than the one set forth in the bill reported by the committee, which contains no element at all of governmental ownership, governmental sale, or Government stores. The bill proposed by the committee is purely a bill to regulate a strictly private business.

Mr. BRITTEN. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman from Illinois.

Mr. BRITTEN. Instead of being an amendment to the bill that is now before the Committee, this is, as a matter of fact, a completely new law, entirely different in its provisions.

Mr. BLACK. An entirely new theory. I also believe it would be outside of the jurisdiction of the District of Columbia Committee to originally hear and function on such a proposal. This is so far-reaching that it is beyond the power of the District of Columbia Committee to even consider originally. It is an entirely new element in our governmental system in this country. All we seek to do is the ordinary thing by a bill to regulate a strictly private business; that is, set up taxes for a strictly private business, provide licenses, and provide penal provisions. But the amendment suggests the absolute entry of the Government of the United States into a private business—something the Government has not done heretofore. The suggested amendment sets up a Government board or agency with power to buy and sell liquor and with power to lease, which is entirely different from the simple proposition reported by the District of Columbia Committee.

Mr. SMITH of Virginia. Mr. Chairman, the amendment which I offer, as has been said by the gentleman from New York, quite frankly undertakes to substitute H.R. 6148, which is the dispensary bill, for H.R. 6181, which is the committee bill.

It is my purpose, if the Chair holds my amendment germane, and it should be adopted by the Committee, to move to strike out all subsequent paragraphs of the pending bill.

The purpose of this bill is to provide a system for liquor control in the District of Columbia. There are two systems of liquor control. One is the system that is advocated by the District of Columbia Committee, and the other is the dispensary system advocated by myself and numerous other Members. The only difference is the method of control. There is no difference in the fundamental purpose of the legislation, because that fundamental purpose is present in both bills, namely, to provide an adequate system of control. The only difference is the difference of opinion between the gentlemen on the two sides of the question as to which method is preferable to accomplish the objects sought. If you will take the two bills, Mr. Chairman, and lay them side by side, you will find that until you get down to the feature providing for the dispensary system, these two bills are almost identical in their language and that the definitions are the same. You may take paragraph after paragraph of the committee bill and compare them with paragraph after paragraph of my bill, and you will find that they are almost similar word for word.

The only difference between the two bills is in the method of accomplishing the same object. Both bills have for their ultimate purpose the accomplishment of the same object.

I respectfully submit that the amendment is germane, and should the Chair disagree with me and rule that the matter

is not germane, I will then move to strike out the enacting clause of this bill and ask for a vote on the question for the purpose of testing the sentiment of the House as to whether they want the dispensary system or the system advocated by the District of Columbia Committee.

Mr. BANKHEAD. Mr. Chairman, if the Chair is not prepared to rule, I would like to be heard very briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Alabama.

Mr. BANKHEAD. Mr. Chairman, without entering upon the question of the merits or demerits of the proposed amendment—and I may say very frankly that if this matter is submitted to the House I shall support the amendment of the gentleman from Virginia—I am deeply and profoundly interested in undertaking to preserve, so far as possible, the continuity of the decisions of the House of Representatives.

As one who has endeavored to give matters of this nature some earnest consideration over a course of years, and as one who recognizes, I believe, the supreme importance of undertaking to preserve and make continuous and consistent the decisions and precedents of the House, I may say to the Chair very frankly, in my opinion, despite my personal views on this question, that the point of order is well taken.

I am not going to undertake to cite a long line of decisions on this proposition. I feel that if the parliamentarian has made an investigation of this particular problem, as no doubt he has, he can furnish the Chair with decisions identical with the one now presented by the pending point of order.

I desire to call the attention of the Chair to a decision made by the present Speaker of the House on April 13, 1933, in which this same question was involved.

The parliamentary philosophy of this point, Mr. Chairman, is that while the committee bill and the proposed substitute offered by the gentleman from Virginia [Mr. SMITH] seek to effectuate the same general purpose, to wit, the control of the sale of intoxicating liquors in the District of Columbia, yet if the Chair will give consideration to the respective proposals, the Chair will find that the methods of controlling the proposition as offered in the amendment of the gentleman from Virginia are entirely different, and it is upon that particular phase of the parliamentary question that Speaker RAINEY made this decision. At page 1679 of the RECORD of the date I have suggested the Speaker said:

> The question presented has been passed upon two or three times and presents nothing new. The bill under consideration provides a method of farm relief, essentially by the issuance of bonds, to be marketed in the ordinary way. The Frazier bill, which is the subject of the motion to recommit, provides also for farm relief, also for bond issues, and in addition to that provides a method of meeting the bond issues by currency printed and issued, clearly inflation, which may amount to as much as three and one half billion dollars. The two methods are as wide apart as the poles.

I shall not read all of the decision. The Chair may have it before him. The Speaker concludes with this statement:

> The Chair feels he cannot ignore the precedents he has cited, and he might add that he could call attention to a number of others. The Chair wants it distinctly understood that he is not passing upon the propriety of inflating the currency. That is another question. If the currency is to be inflated by printing and distributing money in any way, it should be the subject of a separate bill, considered by a committee, reported to the House, and considered on the floor in the ordinary way.

As has been pointed out by the gentleman from New York, there are a great number of different methods of procedure proposed in these two bills, and I feel, for the reasons I stated in the beginning of my remarks, to preserve the integrity and the continuity of the precedents upon questions of this sort, which I regard as of very grave importance to the House, the point of order is well taken, for the reason that the substitute, although seeking to effectuate a similar object, in principle, sets up an entirely different method of achieving that object.

The CHAIRMAN (Mr. JOHNSON of Oklahoma). The Chair is prepared to rule.

The bill under consideration provides for the sale of alcoholic beverages in the District of Columbia under a licensing system. The amendment offered by the gentleman from Virginia by way of a substitute for the entire bill provides for the sale of alcoholic beverages under a system commonly known as the dispensary system. It is admitted that the provisions of the two measures are for the accomplishment of the same object; that is, the sale of alcoholic beverages in the District of Columbia. It will be apparent, however, to all Members that the methods used are widely different from each other. The Chair has before him a number of decisions holding that to a bill seeking to accomplish a purpose by one method—an amendment proposing to accomplish the same purpose by another method is not germane. The Chair will allude to the most recent of the decisions wherein this principle was enunciated. Mr. Speaker RAINEY, on April 13, 1933, had occasion to pass upon a question very similar to the one now presented to the Chair. Mr. Speaker RAINEY held that to a bill seeking to afford farm relief by a method of refinancing farm indebtedness through the issuance of bonds, an amendment proposing to effect such relief through the issuance of currency was not germane.

The Chair will not recite the numerous other instances wherein the same principle was enunciated. The Chair thinks that the decisions have been uniform with respect to this principle of the rule of germaneness, and the Chair, therefore, sustains the point of order.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the enacting clause of the bill, and on that motion I ask recognition.

The Clerk read as follows:

> Amendment offered by Mr. SMITH of Virginia: Page 1, lines 1 and 2, strike out the enacting clause.

Mr. SMITH of Virginia. Mr. Chairman, ladies and gentlemen of the Committee, I regret very much that the Committee on the District of Columbia has seen fit to raise the point of order on the amendment which I have offered that would have given the House the opportunity to vote upon the alternative method of liquor control which I have offered, namely, the dispensary bill.

I have no quarrel with the decision of the Chair, which is eminently correct, if the point of germaneness was raised. However, if we cannot test the will of the House by that method, I propose to test it by this method: I have moved to strike out the enacting clause of the bill, the effect of which would be to kill this particular bill.

I would then ask the District Committee to consider the present dispensary bill, because by that method the membership of the House would have shown their preference for a dispensary bill; so my motion is to get the sentiment of the House, whether you want the bill reported by the District Committee or whether you want the dispensary bill.

I hope that those who, like me, believe that the best method is through a dispensary system will vote to strike out the enacting clause, and then they will have an opportunity to vote for the dispensary bill.

Mr. WEIDEMAN. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. WEIDEMAN. Has the gentleman in his bill provided for the proper labeling of liquor; for instance, whether it is a blend?

Mr. SMITH of Virginia. I think so; but I am not concerned in the details of the bill. You may strengthen it in any way you please; I am simply interested in the principle of the dispensary system.

Mr. BLACK. Mr. Chairman, for the same reasons that were advanced on the point of order the committee is opposed to the motion to strike out the enacting clause. The committee wants to see some consistency in the procedure of the House.

The gentleman from Virginia offered his bill before the committee. It was considered and voted down, and the present bill was reported on the floor of the House.

There is a proper procedure provided for the gentleman's bill, if he believes it is the right bill. We should consider this bill in the ordinary way and, if the bill is voted down, then the gentleman from Virginia can by petition get the Committee to report his bill. Orderly procedure requires that the Committee should vote down the motion to strike

out the enacting clause. This bill is entitled to consideration by the House, to be read in the ordinary way, section by section, and the motion to strike out the enacting clause should be voted down.

The CHAIRMAN. The question is on the motion of the gentleman from Virginia that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were 62 ayes and 77 noes.

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SMITH of Virginia and Mrs. NORTON.

The Committee again divided, and the tellers reported that there were 91 ayes and 118 noes.

So the motion to strike out the enacting clause was rejected.

The Clerk read as follows:

SEC. 3. In the interpretation of this act, unless the context indicates a different meaning:

(a) The word "alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or by whatever processes produced.

(b) The word "spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whisky, and gin.

(c) The word "wine" means any alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar, including all artificial or imitation wines and also including fortified wines, such as port and sherry.

(d) The word "beer" means any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefor.

(e) The words "alcoholic beverage" or "beverage" include the four varieties of liquor above defined (alcohol, spirits, wine, and beer) and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties above defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the order in which they are above defined, except as provided in subsection (c) hereof. The provisions of this section and of this act shall not apply to any liquid or solid containing less than one half of 1 percent of alcohol by volume, nor shall anything contained in this act be construed as affecting the manufacture of apple cider or the sale thereof.

(f) The word "board" shall mean the Alcoholic Beverage Control Board created by this act.

(g) The word "club" means a corporation for the promotion of some common object (not including corporations organized for any commercial or business purpose, the object of which is money profit), owning, hiring, or leasing a building or space in a building of such extent and character as in the judgment of the board may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests, and including such space outside of the building and adjoining it as may be approved by the board, and provided with such suitable and adequate kitchen and dining-room space and equipment, implements, and facilities, and employing such a sufficient number of employees for cooking, preparing, and serving meals for its members and their guests, as shall satisfy the board that the sale of beverages intended is not more than an incident to and is not the prime source of revenue from such space; and the affairs and management of such corporation are conducted by a board of directors, executive committee, or similar body chosen by the members at least once each calendar year and no officer, agent, or employee of the club is paid directly or indirectly, or receives in the form of salary or other compensation, any profit from the disposition or sale of beverages to the club or to the members of the club or guests introduced by members beyond the amount of such salary as may be fixed and voted by the members, or by its directors or other governing body.

(h) The word "Commissioners" shall mean the Commissioners of the District of Columbia.

(i) The word "District" shall mean the District of Columbia.

(j) The word "hotel" means a suitable building or other structure, approved by the board, including such suitable space outside of the building and adjoining it as may be approved by the board, kept, used, maintained, advertised, or held out to the public to be a place where meals are served and sleeping accommodations offered for pay to transient guests; in which 50 or more rooms are used for the sleeping accommodations of such transient guests, and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building or in connecting buildings, and such building or buildings, structure or structures being provided with such adequate kitchen and dining-room equipment and capacity and having employed therein such number and kinds of employees for preparing, cooking, and serving meals for its guests as shall satisfy the board that such dining room is intended for use primarily as a place for preparing, cooking, and serving meals and that the chief source of revenue to be derived from the operation of such dining room shall be from the preparation, cooking, and serving of meals and not from the sale of beverages. No such space shall be considered suitable if any business is conducted therein other than the preparation, cooking, and serving of meals, except such a business as is incidental to a bona fide dining room.

(k) The word "manufacture" shall include rectification.

(l) The word "meals" means the usual assortment of foods commonly ordered at various hours of the day and the serving of such food and victuals as sandwiches and salads shall not be regarded as a "meal."

(m) The word "person" includes an individual, partnership, corporation, and association.

(n) The word "restaurant" means a suitable space in a suitable building, approved by the board, including such suitable space outside of the building and adjoining it as may be approved by the board, kept, used, maintained, advertised, or held out to the public to be a place where meals are served, such space being provided with such adequate kitchen and dining-room equipment and capacity, and having employed therein such number and kinds of employees for preparing, cooking, and serving meals for its guests as shall satisfy the board that such space is intended for use primarily as a place for preparing, cooking, and serving meals, and that the chief source of revenue to be derived from the operation of such place shall be from the preparation, cooking, and serving of meals and not from the sale of beverages. No such space shall be considered suitable if any business is conducted therein other than the preparation, cooking, and serving of meals, except such a business as is incidental to a bona fide restaurant.

(o) The word "sell" or "sale" shall include offering for sale, keeping for sale, trafficking in, bartering, delivering for value, exchanging for goods, or in any way other than purely gratuitously, and every delivery of any alcoholic beverage made otherwise than by purely gratuitous title shall constitute a sale.

(p) The word "table" shall not include a counter, bar, or similar contrivance.

(q) The word "tavern" means a suitable space in a suitable building approved by the board, including such suitable space outside of the building and adjoining it, as may be approved by the board, kept, used, maintained, advertised, or held out to the public to be a place where sandwiches or light lunches are prepared and served for consumption on the premises in such quantities as to satisfy the board that the sale of beer intended is no more than an incident to and is not the prime source of revenue of such "tavern."

With the following committee amendments:

Page 2, line 21, after the word "whisky", insert the word "cordials."

Page 3, line 2, after the word "sherry", insert "light wines shall mean wines containing 14 percent or less of alcohol by volume, other than champagne or any wine artificially carbonated."

Page 5, line 11, strike out the word "fifty" and insert the word "thirty."

The committee amendments were severally reported and severally agreed to.

Mr. BURNHAM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BURNHAM: Page 2, line 22, after the word "means", strike out the remainder of the paragraph to and including the word "sherry" on page 3, line 2, and insert in lieu thereof the following: "wine, as defined in title XXVI, sections 441 and 444, of the Code of the Laws of the United States of America as now in force or hereafter amended, and champagne and sparkling wines and artificially carbonated wines means all the foregoing as defined by regulations of the Treasury Department as now or hereafter in effect."

Mr. BURNHAM. Mr. Chairman, this simple amendment is for the purpose of clarifying the clause subsection (c). It conforms to the statutes of the United States and also the code prepared and adopted by the N.R.A., the code of fair competition. It simply clarifies. I do not think it requires any further argument on my part.

Mrs. NORTON. Mr. Chairman, the committee accepts the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with this act as they may deem necessary to carry out the purposes thereof and to control and regulate the manufacture, sale, keeping for sale, offer for sale, solicitation of orders for sale, importation, exportation, and

transportation of alcoholic beverages in the District of Columbia for the protection of the public health, comfort, safety, and morals.

The Commissioners shall have specific authority to make rules and regulations for the issuance, transfer, and revocation of licenses; to facilitate and insure the collection of taxes; to govern the operation of the business of licensees, with full power and authority to prescribe the terms and conditions under which alcoholic beverages may be sold by each class of licensees; to forbid the issuance of licensees for manufacture, sale, or storage of alcoholic beverages in such localities in, and such sections and portions of, the District of Columbia as they may deem proper in the public interest; to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in, or sections or portions of, the District of Columbia as they may deem proper in the public interest; to forbid the issuance of licenses for businesses conducted on such premises as they, in the public interest, may deem inappropriate; to forbid the issuance of any class or classes of licenses for businesses conducted near or around schools, colleges, universities, churches, or public institutions, to prescribe the hours during which beverages may be sold and to forbid the sale on Sundays or any holiday or holidays. The powers and authorities expressly enumerated are to be construed as in addition to, and not by way of limitation of, the general powers herein granted. Different regulations may be prescribed for the different classes of licenses, for the different classes of beverages, and for different localities in or sections or portions of the District of Columbia.

Any regulations promulgated hereunder shall become effective 5 days after being published in any daily newspaper of general circulation in the District of Columbia. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable. The Commissioners shall also have authority in any time of public emergency, without previous notice or advertisement, to prohibit the sale of any or all beverages during the period of such emergency.

With the following committee amendments:

Page 11, line 3, after the word "interest", strike out "to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in or sections or portions of the District of Columbia as they may deem proper in the public interest.

Page 11, line 11, after the word "businesses", insert "established subsequent to April 5, 1933."

Mr. KVALE. Mr. Chairman, will the gentlewoman from New Jersey please explain what is sought to be achieved by this language?

Mrs. NORTON. It was intended to safeguard those who had already spent a considerable amount of money in fitting up establishments prior to that.

The Clerk read as follows:

With the further committee amendment: Page 11, line 15, after the word "Sundays", strike out "or any holiday or holidays."

The committee amendments were severally considered and severally agreed to.

The Clerk read as follows:

SEC. 8. (a) No provision of this act shall by reason only that such product contains any alcoholic beverage, prevent—

(1) The manufacture or sale of any perfume, lotion, tincture, varnish, dressing, fluid extract or essence, or vinegar; or

(2) The manufacture or sale of any officinal, medicinal, or pharmaceutical preparation, or of any patented or prepared medicine intended solely for medicinal purposes, provided that such product does not contain alcohol in any greater quantity than the amount required as a solvent or preservative, or provided that it be so compounded as to render it unsuitable for use as a beverage.

(b) If the board shall find, after notice to the manufacturer of, or person acquiring for resale, any of the products enumerated above, and after opportunity to be heard, that any of said products are being used as an alcoholic beverage, the board may notify such manufacturer or person to that effect, and from and after the date of the service of such last-mentioned notice this act shall apply to such product; and such manufacturer or person shall commit an offense under this act if he sells such product after the service of such notice without a license issued under this act so to do. This paragraph shall not apply to a preparation prepared by a pharmacist on prescription of a physician and in accordance with its tenor, or which is prepared by a physician for the use only of a patient actually under his care.

(c) The notice provided for in this section shall be served upon the manufacturer or person acquiring such product for resale, personally, if he can be found within the District of Columbia, and if he cannot be so found it shall be sufficient service of said notice to deliver the same to some person of proper age upon the premises of the manufacturer or person acquiring such product for resale.

Mrs. NORTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: Page 12, strike out all of section 8 and insert in lieu thereof the following:

"SEC. 8. No provision of this act shall apply to alcohol intended for use in the manufacture and sale of any of the following when they are unfit for intoxicating beverage purposes, namely:

"(a) Denatured alcohol produced and used pursuant to acts of Congress and regulations promulgated thereunder.

"(b) Patent, proprietary, medicinal, pharmaceutical, antiseptic, and toilet preparations.

"(c) Flavoring extracts, sirups, and food products.

"(d) Scientific, chemical, mechanical, and industrial products.

"Any person who shall knowingly sell any of the products enumerated in paragraphs (a), (b), (c), or (d) for intoxicating beverage purposes, or who shall sell any of the same under circumstances from which he might reasonably deduce the intention of the purchaser to use them for such purposes, shall be subject to the penalties provided for in section 33 of this act."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. (a) No individual, partnership, association, or corporation shall, within the District of Columbia, manufacture for sale, keep for sale, or sell any alcoholic beverage without having first obtained a license under this act for such manufacture or sale, except as provided in sections 31 and 32 hereof.

(b) No individual shall, within the District of Columbia, offer for sale or solicit any order for the sale of, within the District of Columbia, any alcoholic beverage unless:

(1) Such individual has first obtained a license of the character described in section 11, subsection (k); and

(2) The vendor is the holder of a license issued under this act authorizing such sale.

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the license of the vendor.

With the following committee amendments:

Page 14, line 3, after the article "a", strike out the word "license" and insert "manufacture's license, class A or class B, or a wholesaler's license, class A or class B."

Page 14, after line 8, insert:

"No individual shall within the District of Columbia offer any beverage for sale to, or solicit orders for the sale of any beverage from, any person not a licensee under this act, irrespective of whether such sale is to be made in or without the District of Columbia."

The committee amendments were severally reported and severally agreed to.

The Clerk read as follows:

SEC. 11. Licenses issued under authority of this act shall be of 11 kinds:

(a) Manufacturer's license, class A: To operate a rectifying plant, a distillery, or a winery. Such a license shall authorize the holder thereof to operate a rectifying plant for the manufacture of the products of rectification by purifying or combining spirits, wine, or beer; a distillery for the manufacture of alcohol or spirits by distillation or redistillation; or a winery for the manufacture of wine; at the place therein described, but such license shall not authorize more than one of said activities, namely, that of a rectifying plant, a distillery, or a winery, and a separate license shall be required for each such plant. Such a license shall also authorize the sale from the licensed place of the products manufactured under such license by the licensee to another license holder for resale or to a dealer outside of the District of Columbia for resale. It shall not authorize the sale of beverages to any other person except as may be provided by regulations promulgated by the Commissioners under this act. The annual fee for such license for a rectifying plant shall be $2,000; for a distillery shall be $2,000; and for a winery shall be $500: *Provided, however,* That if a manufacturer shall operate a distillery only for the manufacture of alcohol and more than 50 percent of such alcohol is sold for nonbeverage purposes, the annual fee shall be $1,000. If said manufacturer holding a license issued at the rate last mentioned shall sell during any license period 50 percent or more of said alcohol for beverage purposes, he shall pay to the collector of taxes the difference between the license fee paid and the license fee for a distiller of spirits.

(b) Manufacturer's license, class B: To operate brewery. Such a license shall authorize the holder thereof to operate a brewery for the manufacture of beer at the place therein described. It shall also authorize the sale from the licensed place of the beer manufactured under such license to another license holder for resale or to a dealer outside of the District of Columbia for resale, or to a consumer. Said manufacturer may sell beer to the consumer only in barrels, kegs, and sealed bottles and said barrels, kegs, and bottles shall not be opened after sale nor the contents consumed on the premises where sold. The annual fee for such license shall be $2,500.

(c) Wholesaler's license, class A: Such a license shall authorize the holder thereof to sell beverages from the place therein de-

scribed to another license holder for resale or to a dealer outside of the District of Columbia for resale and, in addition, in the case of beer, to a consumer, said beverages to be sold only in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold.

No holder of such a license shall be engaged in any business on the premises for which the license is issued other than the sale of alcoholic and nonalcoholic beverages.

The annual fee for such license shall be $1,500.

(d) Wholesaler's license, class B: Such a license shall authorize the holder thereof to sell beer from the place therein described to another license holder for resale or to a dealer outside of the District of Columbia for resale or to a consumer in barrels, kegs, sealed bottles, and other closed containers, which said barrels, kegs, sealed bottles, and other closed containers shall not be opened after sale nor the contents consumed on the premises where sold.

The annual fee for such license shall be $750.

(e) Retailer's license, class A: Such a license shall authorize the holder thereof to sell beverages from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

The annual fee for such license shall be $750.

(f) Retailer's license, class B: Such a license shall authorize the holder thereof to sell beer from the place therein described and to deliver the same in the barrel, keg, sealed bottle, or other closed container in which the same was received by the licensee, which said barrel, keg, sealed bottle, or other closed container shall not be opened nor the contents consumed on the premises where sold. Such license shall not authorize the licensee to sell to other licensees for resale.

The annual fee for such license shall be $75.

(g) Retailer's license, class C: Such a license shall be issued only for a bona fide restaurant, hotel, or club, or a passenger-carrying marine vessel serving meals, or a club car or a dining car on a railroad. It shall authorize the holder thereof to keep for sale and to sell spirits, wine, and beer at the place therein described for consumption only in said place. Except in the case of clubs and hotels no beverage shall be sold or served to a customer in any closed container. In the case of restaurants, passenger-carrying marine vessels, and club cars or dining cars on a railroad, said spirits and wine shall be sold or served only to persons seated at public tables and beer shall be sold and served only to persons seated at public tables or at bona fide lunch counters, except that spirits, wine, and beer may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the board. In the case of hotels, said beverages may be sold and served only in the private room of a registered guest or to persons seated at public tables or to assemblages of more than six individuals in a private room, when such room has been previously approved by the board. Beer may also be sold and served to persons seated at bona fide lunch counters. And in the case of clubs, said beverages may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least 3 months immediately prior to the making of the application for such license. No spirits shall be displayed by any licensee licensed under this paragraph, or his agents or employees, in the space in which said beverages are sold or served, except such spirits as may be expressly ordered by a customer.

The fee for such a license shall be for a restaurant, $500 per annum; for a hotel, $1,000 per annum; for a club, $250 per annum; for a marine vessel serving meals, $50 per month or $500 per annum; and for each railroad dining car or club car, $5 per month or $50 per annum.

(h) Retailer's license, class D: Such a license shall be issued only for a bona fide restaurant, tavern, hotel, or club, or a passenger-carrying marine vessel serving meals, light lunches, or sandwiches, or a club car or a dining car on a railroad. Such a license shall authorize the holder thereof to sell beer at the place therein described for consumption only in said place. Except in the case of clubs and hotels, no beer shall be sold or served to a customer in any closed container. In the case of restaurants, taverns, passenger-carrying marine vessels, and club cars or dining cars on a railroad, said beer shall be sold or served only to persons seated at public tables or at bona fide lunch counters, except that beer may be sold or served to assemblages of more than six individuals in a private room when such room has been previously approved by the board. In the case of hotels, beer may be sold and served only in the private room of a registered guest or to persons seated at public tables or at bona fide lunch counters or to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. And in the case of clubs, beer may be sold and served in the private room of a member or guest of a member, or to persons seated at tables. No license shall be issued to a club which has not been established for at least 3 months immediately prior to the making of the application for such license.

The annual fee for such a license shall be $150.

(i) Retailer's license, class E: Such a license shall authorize a person entitled to retail, compound, and dispense medicines and poisons to sell from the place therein described beverages in sealed packages, not to exceed 1 quart each, for medicinal purposes, and only upon prescription of a duly licensed practicing physician. Such package shall not be opened after sale nor its contents consumed on the premises where sold. Such prescription, when filled, shall be canceled by writing across its face the word "Canceled" together with the date on which it is presented and filled, and such prescriptions shall be numbered consecutively as filled and kept on file in consecutive order. No such prescription shall be refilled. The annual fee for such license shall be $25.

(j) Retailer's license, class F: Such license shall authorize the holder thereof temporarily to sell beer on the premises therein described for consumption on the premises where sold. Such permits may be issued for a banquet, picnic, bazar, fair, or similar public or private gathering where food is served for consumption on the premises. No beer shall be sold or served to a customer in any unopened container. The issuance of such a permit shall be solely in the discretion of the board. The fee for each such license shall be $5 per day.

(k) Solicitor's licenses: Such a license shall authorize the licensee to offer for sale or solicit orders for the sale of any beverage, if the vendor of such beverage is the holder of a license issued under this act authorizing such sale.

A solicitor's license shall set forth the name of the vendor whom the solicitor represents, and such solicitor shall not represent any vendor whose name does not appear upon such license.

The annual fee for such license shall be $2.

Nothing in this act shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended.

With the following committee amendment:

Page 15, line 5, after the word "combining", insert the word "alcohol."

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 16, line 22, after the word "beer", insert "or light wines,".

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 17, line 3, after the word "license", insert "except a wholesale druggist or a wholesale grocer."

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 17, line 9, after the word "beer", insert the words "and light wines."

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 18, line 5, after the word "beer", insert the words "and light wines."

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 18, line 13, strike out "$75" and insert "$100."

The committee amendment was agreed to.

The Clerk read the following further committee amendment:

Page 18, beginning in line 16, after the word "meals", strike out the comma and the words "or a club car or a dining car on a railroad."

Mr. O'CONNOR. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, I appreciate the reason why the committee may have adopted this amendment. In all the license bills throughout the States they have licensed railroad cars and club cars on the railroads. The idea seems to be that a railroad car—a dining car or club car—spends so little time either in the station in Washington or in passing through the District that it is not worth while to license it. Of course, it is up to the railroads whether they desire to pay the fee for the license for a railroad car; but if a railroad car has a license all the way from Buffalo down to Washington and is going south to Florida it seems to me rather peculiar that it may not get a license while in the District of Columbia.

If the railroads do not want to pay for the license, that is another matter; but if they wish to procure a license, I think they should be entitled to that license, because sometimes the cars do stay in the station for an hour or two waiting to take on passengers who are going to Florida. If they must close their doors, if they must refuse to serve liquor, if they must determine just the exact moment when they reach the line of the District of Columbia and when they leave it at the other end going south, that in itself will make confusion, and it will make for violations of the law. I think the committee might well let these railroad cars which come into the District have the same privileges which they have in other States, and if they desire to pay this license fee, which, I understand, was in the original bill $50 per car per year, let them do it, and let them sell liquor while they are in the District. I cannot see anything to be gained by prohibiting the sale of liquor as soon as they pass the District line, wherever it is, and allow them to open when they get into Virginia. I think it is a minor thing that should not be put in the bill.

Mrs. NORTON. I may say, in answer to the gentleman from New York, that the committee did not feel justified in asking the railroad companies to pay a license fee for the very short time the cars are within the District of Columbia. It was estimated in the committee that there were very few trains which remained in the District more than a few moments, and the committee did not feel justified in asking them to pay a license fee for that short time.

Mr. O'CONNOR. Will the gentlewoman yield?

Mrs. NORTON. I yield.

Mr. O'CONNOR. But what I am getting at is this: Of course, they cannot sell liquor while in the District of Columbia unless they pay the license fee?

Mrs. NORTON. Exactly.

Mr. O'CONNOR. If they are willing to pay the license fee, why do you not let them do it?

Mrs. NORTON. I understood they preferred not to pay.

Mr. O'CONNOR. If they do not pay the license fee, they just cannot sell it, but what I would like to see provided for is that if they are willing to pay the license fee, they shall have the same privilege in the District of Columbia as they have in any other State. It is up to them whether they will go to that expense or not.

Mrs. NORTON. That is true, but my understanding is that they preferred not to pay the license fee because of the very short time they were in the District.

Mr. O'CONNOR. Their preference does not enter into the question of what kind of liquor control law we should pass.

Mrs. NORTON. But it does enter into whether or not the Committee considers it fair or just.

Mr. O'CONNOR. It is imaginable that nobody might feel like paying the tax you have placed on a distillery here, but at the same time we are providing for that tax. That is entirely up to the distillers. I think we should give the railroads the right to sell liquor in the District if they will pay the fee, and if they do not pay the fee they just cannot sell it.

Mr. PALMISANO. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. PALMISANO. Mr. Chairman, I do not think the committee considered not giving the railroads a license. There is no objection to giving them a license. As the lady from New Jersey stated, I think the question was that they did not prefer it. Of course, I can readily understand the position of the gentleman from New York. As far as the committee was concerned, we had no objection to permitting a $5 license fee, but we understood they did not want it, and for that reason we eliminated it.

Mr. KVALE. Will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. KVALE. Even if that language did remain in the measure, there is nothing compulsory upon the railroads to avail themselves of it.

Mr. PALMISANO. As a member of the committee, I do not think the committee as a whole cares whether it is eliminated or not. We simply went along with the request made. We had no objection. If you want to permit it, let it stay.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

The Clerk read as follows:

Committee amendment: Page 18, line 22, strike out the word "restaurants" and insert the words "restaurants and."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 18, line 23, after the word "vessels", strike out the words "and club cars or dining cars on a railroad."

Mr. O'CONNOR. Mr. Chairman, I rise in opposition to the amendment.

In view of the fact the committee amendment just above relating to lines 16 and 17 was not agreed to, this committee, in order to be consistent, should strike out all reference to the same subject.

Mrs. NORTON. I may say that the committee will withdraw this amendment. It really makes very little difference whether or not it remains.

The CHAIRMAN. Without objection, the committee amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Committee amendment: Page 18, line 24, after the word "wine", insert the words "except light wines."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 19, line 1, after the word "beer", insert the words "and light wines."

The committee amendment was agreed to.

The Clerk read as follows:

Page 19, line 10, after the word "beer", add the words "and light wines."

The committee amendment was agreed to.

The Clerk read as follows:

Page 19, line 17, after the word "spirits", insert the words "nor wines, except light wines."

The committee amendment was agreed to.

The Clerk read as follows:

Page 19, line 21, after the word "spirits", insert the words "and wines."

The committee amendment was agreed to.

The Clerk read as follows:

Page 19, line 24, after the word "hotel", insert "under 100 rooms, $500 per annum; for a hotel of 100 or more rooms, $1,000."

The committee amendment was agreed to.

The Clerk read as follows:

Page 20, line 2, after the word "annum", strike out the words "and for each railroad dining car or club car, $5 per month or $50 per annum."

Mrs. NORTON. Mr. Chairman, the committee will withdraw this amendment.

The CHAIRMAN. Without objection, the committee amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Committee amendment: Page 20, line 8, after the word "sandwiches", strike out "or a club car or a dining car on a railroad."

Mrs. NORTON. Mr. Chairman, the committee will withdraw this amendment.

The CHAIRMAN. Without objection, the committee amendment will be withdrawn.

There was no objection.

Mr. KVALE. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KVALE. Mr. Chairman, I call attention to the committee amendment which was agreed to, on page 18, line 22.

It was an amendment merely clarifying and correcting the language. It is unnecessary, in view of the later amendment. In view of this, perhaps the action of the committee should be reconsidered.

The Clerk read as follows:

Committee amendment: Page 20, line 13, after the word "taverns", insert the word "and."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 20, line 14, after the word "vessels", strike out "and club cars or dining cars on a railroad."

The CHAIRMAN. Does the gentlewoman from New Jersey desire to withdraw this particular amendment?

Mrs. NORTON. Mr. Chairman, I shall withdraw all amendments pertaining to this particular clause.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Committee amendment: Page 21, line 5, strike out the figures "$150" and insert in lieu thereof the figures "$200."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 21, line 21, after the word "beer", insert the words "and light wines."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 22, line 5, strike out all of subsection "K" and insert in lieu thereof the following:

"K. Solicitor's licenses: Such a license shall authorize the licensee to offer for sale to or solicit orders from licensees for the sale of any beverage if the vendor of such beverage is the holder of a manufacturer's license class A or class B, or a wholesaler's license class A or class B, issued under this act, authorizing such sale."

The committee amendment was agreed to.

Mr. WEIDEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEIDEMAN: Page 18, commencing with the word "and", in line 18, strike out through the word "place", in line 20, and insert in lieu thereof the following: "at the place described therein and to sell spirits, wines, and beer on the ground floor only of said place for consumption on such ground floor only which said place of sale shall be exposed to public view."

Mr. WEIDEMAN. Mr. Chairman, I wish to draw the attention of the Members on this side of the House to the provisions of the Democratic platform, particularly the portion reading as follows:

We advocate the repeal of the eighteenth amendment. To effect such repeal we demand that the Congress immediately propose a constitutional amendment, to truly representative conventions in the States called to act solely on that proposal; we urge the enactment of such measures by the several States as will actually promote temperance, effectively prevent the return of the saloon, and bring the liquor traffic into the open under complete supervision and control by the States.

WE MUST KEEP FAITH WITH THE COUNTRY

Under the bill as at present drawn there is nothing to bring liquor in the open in a so-called "night club", which is an invention of the prohibition era. Such a club on the second floor is entirely concealed from public view, and they will sell liquor in little 2-by-4 cubbyholes, as they do at present in our speak-easies. Girls of the tenderest age are admitted to such places. They place no limitation on the age of those who may enter; so if friends of temperance really want to do something to help us keep the liberty we have gained after such a long fight and really make control effective, we should bring this thing out into the open. Otherwise we will have the bootlegger as we did in the days of prohibition. They will be selling their wares in the basements and on the second floors, behind closed doors and in back of partitions and curtains, where the youth of the land will be sold liquor as at present.

As far as I am concerned, I am willing to do my drinking in the open. If you really want temperance, open these places to public view where people can see what is going on. In the State of Michigan they legalized beer gardens, but in the front windows of all these beer gardens are signs and draperies, and the result is one cannot see what is going on inside, resulting in indiscretions which would not happen if these places were open to public view.

As a result, 75 percent of the people in those beer gardens are young people. We have a "sitting down" clause there, too, and they sit until they are intoxicated on the stuff they are selling now. This does not promote the cause of temperance. If we are really sincere in this, we ought to effect the open sale of liquor. The bill here is just about as close to a saloon as we can get. We do not call it that in the bill, but a name does not mean anything. I think the sooner you bring it out in the open the less intemperance you will have.

WE DEMAND THAT SPEAK-EASIES BE ABOLISHED

I am sure that the millions of decent, law-abiding citizens of this country who voted to repeal the eighteenth amendment did so with the belief that our new order of things would protect the youth of the country, that the new order would not countenance speak-easies or bootleg parlors; that the repeal would promote obedience to law, and would abolish the racketeer and the bootlegger, and would stop the indiscriminate selling of liquor to the youth of the country. We should put these principles into effect.

Mr. O'CONNOR. I sympathize with what the gentleman says, because I believe America has never known how to handle the liquor traffic. I have always advocated it being in the open, but you have to be practical about it. Does the gentleman mean by that amendment that even a hotel or club could not sell it on the second floor? Is that the purpose?

Mr. WEIDEMAN. This would apply to every holder of a retail-license class.

Mr. O'CONNOR. That is, clubs and hotels?

Mr. WEIDEMAN. It includes all of them.

Mr. O'CONNOR. Be practical about it. Some hotels have nothing on the first floor. The Press Club here in Washington is on the thirteenth floor. You would bar the Press Club. Some of the country clubs have nothing but lockers on the first floor. You would bar them. I would go along with the gentleman to the extent of having no blinds on the windows, but I do not agree with the gentleman as far as hotels are concerned.

Mr. WEIDEMAN. Let me interrupt the gentleman. I will accept an amendment to except clubs.

Mr. BOILEAU. Will the gentleman yield?

Mr. WEIDEMAN. Yes.

Mr. BOILEAU. I call the attention of the gentleman to the fact that in the city of Washington some of the best managed restaurants are on the second floor. I cannot see that there is any justification in exempting hotels and clubs. I do not care to mention the particular restaurants I have in mind, but I am sure you have been to some of the places I refer to. These restaurants have two floors.

Mr. WEIDEMAN. I know the place the gentleman refers to.

Mr. BOILEAU. I think it would be wrong to exclude them from the privilege of selling liquor.

Mr. WEIDEMAN. I would like to answer the gentleman from Wisconsin. It is unfortunate that in any restriction someone has to suffer, but inasmuch as we are trying to bring liquor out into the open it is too bad if the restaurant is on the second floor. They will have to move downstairs where it will be out in the open. The people were not so much interested in preventing the return of the saloon as they were in suppressing drinking behind curtains and closed doors and in speak-easies. That is what the people wanted particularly to suppress.

Mr. BOILEAU. Does not the gentleman believe that there is some way to reach that problem without making an arbitrary rule along this line against well-managed restaurants?

Mr. WEIDEMAN. Nevertheless, we must be firm in our demand to live up to our platform, and protect those people who need protection. The so-called "wets" brought about prohibition before. Let us protect ourselves against the

selfish interests of today. The friends of liberalism must protect this new liberty which we have acquired. The cause of liberalism must not be allowed to be "sold short" by the predatory interests—more interested in capitalizing on repeal for their personal gain than in keeping the rights newly acquired.

Mrs. NORTON. I rise in opposition to the amendment. I think the gentleman's amendment is not practical. It would be utterly impossible to enforce such a regulation, just as impossible as it was to enforce the eighteenth amendment. We know perfectly well that such a provision would be violated; and, as has been so well stated, there are a great many restaurants, and there are a great many hotels, that would certainly suffer as a result of this amendment. I do not think it would bring about any greater degree of temperance. In fact it would probably cause the same disrespect for the law we have experienced during the past 14 years, and which we hoped we were through with when the eighteenth amendment was repealed. So, Mr. Chairman, I hope this amendment will not be agreed to.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment by Mr. WEIDEMAN: Page 18, commencing with the word "and" in line 18, strike out through the word "place" in line 20. Insert in lieu thereof "at the place described therein, and to sell spirits, wine, and beer on the ground floor only in said place for consumption on such ground floor only, which said place of sale shall be exposed to public view, except this provision shall not apply to incorporated clubs or hotels."

Mr. McFARLANE. Mr. Chairman and Members of the Committee, I rise in opposition to the modified amendment of the gentleman from Michigan. I am in favor of the amendment as originally offered.

Referring back to our Democratic platform, the threefold provision that we have heard so many times this afternoon is: First, to promote temperance; second, to effectively prevent the return of the saloon; and third, to bring the liquor traffic into the open under camplete supervision and control by the States. This amendment is directed to the third feature of this regulatory provision on liquor of the Democratic national platform. In the Republican platform the provision is more stringent than ours.

LET US KEEP FAITH WITH OUR PLATFORM

There is no use kidding ourselves. As has been said repeatedly on the floor this afternoon, the saloon is coming back. In fact, it is already here. The question is, Are we going to keep faith with our own platform and have the Members on this side of the aisle drive the liquor traffic into the open, effectively regulate it, and promote temperance in every way?

THE DISPENSARY SYSTEM

The majority of this House voted against the dispensary system. That system would, I believe, very largely have taken the profit out of the liquor business and would have kept the distillers and the brewers of this country from controlling the politics of the Nation. We have not promoted temperance in the bill before us, because it is admitted that the saloon is back and will be operated in a wide-open fashion as of old. It is true the bill does not define the word "saloon", but Webster's Dictionary and Bouvier's Dictionary and others define it as "anywhere intoxicating liquor is sold."

Are we this afternoon going to wink at every provision of our platform and say by our vote that we are unwilling to bring the liquor traffic into the open, so that all who see may know who is drinking, and so that we may protect, in a measure, the oncoming generation from inhabiting the saloons which this bill is now establishing?

LET US SUPERVISE AND CONTROL, NOT TURN THEM LOOSE

I was amused at my friend the gentleman from New York [Mr. O'CONNOR] and his suggestion to the gentleman from Michigan [Mr. WEIDEMAN] that we ought to bar from the provisions of the amendment the hotels and the clubs from those who are not to sell liquor above the first floor.

If you do this, you kill the effect of the amendment entirely. The gentleman from Wisconsin [Mr. BOILEAU] comes along and says that we have many restaurants above the first floor and they ought to be exempted also.

Mr. Chairman, we ought to keep this saloon business down on the ground floor and keep the blinds back, as we did by regulations before prohibition, so we can run them out in the open in the best way we can and keep reasonable order, or as reasonable as we were ever able to keep.

You know what brought on prohibition. It was largely because of lack of regulation and lack of respect for law and the side-door entrances that brought in the women and children and brought about many other abuses with which we are all familiar.

Are you going to sit by blindly and allow the same abuses to be permitted? This is what you are going to do if you continue to vote down these proposed amendments.

I hope you will at least adopt a great many of the amendments now pending and also vote for the amendment now before us.

Mr. BOLAND. Will the gentleman yield?

Mr. McFARLANE. I yield.

Mr. BOLAND. With respect to the gentleman's statement about what brought on prohibition, I believe that the thing that principally brought on prohibition was the United Brewers' Association of America.

Mr. McFARLANE. In answer to the gentleman, I may say that we had the brewers' association in my own State to corrupt the politics of Texas. They gave to the then Governor of our State $156,000, which caused his impeachment. The politics of our State was rotten to the core, and I am sure the gentleman is familiar with similar situations of corruption in other States. [Applause.]

[Here the gavel fell.]

Mr. OLIVER of New York. Mr. Chairman, I think the gentleman from Texas [Mr. McFARLANE] is a little wrong about his interpretation of the platform about bringing the liquor business into the open.

This has nothing to do with giving the public the right to look into your window when you are sitting at your dinner to find out what you have on the table.

We intended to bring it into the open so that you could send a brewer's truck through the city streets where everybody could see it. We intended to bring it into the open so that the man selling liquor would have a legal business which he would openly conduct and the entire public would know that he was conducting this business. But we never intended to go back to that old, dreadful censorship where everybody could spy on everybody else at any time anyone was taking a glass of beer or a glass of wine. Sometime someone might be giving a nice party in a hotel and would be buying liquor and having a dance. There would be fine people there, including his oldtime comrades and pals. Does the gentleman from Texas think it was intended by the Democratic platform that the whole world had a right to stand at the window and look on and say, "Oh, there is Jimmie Jones, he is taking a Scotch highball. There is Johnny Smith, he is taking a rye highball—isn't that terrible?"

This is just the thing we wanted to get away from. Privacy in drinking is one of the things we have fought for and won in the last campaign, and if the gentleman from Texas wants to know how the country stands, let him ask the people of Texas whom he represents, and they will tell him that they want none of this oldtime censorship or espionage which disgraced American public life.

I believe we ought to have the right to drink liquor practically any place we want to drink it. Temperance will come from the self-control of the individual and you cannot get it from the control of the police over the individual. This has been tested out on a country-wide basis and has been found to be a false doctrine, and America will not return to it. So far as we are concerned we do not intend to let the National Capital be the place where we will try out another spy system, another censorship system, another

system where the citizen is not trusted except with a policeman at his elbow.

You may talk about corruption in political life, due to liquor, but did we not have enough of it under the dry cause? Did we not see all political conventions controlled by a pack of fanatics? Did we not see the type and kind of men who came to govern the Nation become mere blackmailers and extortioners?

They speak of corrupt control of liquor. We do not ask that there be any stopping of censorship of corruption. We want the whole power of government to destroy corruption, but you get more corruption by narrow censorship than you will get by liberal administrative action. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. WEIDEMAN].

The amendment was rejected.

Mr. O'CONNOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. O'CONNOR: On page 15, line 19, strike out "2,000" in each instance and insert "3,500."

Mr. O'CONNOR. Mr. Chairman, the purpose of this amendment is to fix the license fee of a rectifying plant or a distillery at $3,500. I do that because the bill, on page 16, fixes the license fee of a brewery at $2,500. I believe the license fee of a distillery or rectifying plant should be more than the license fee of a brewery in proportion.

Mrs. NORTON. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 19, line 17, after the period following the word "license", strike out all of the remainder of the paragraph.

Mr. O'CONNOR. Mr. Chairman, as I read this provision on page 19, beginning in line 17, it provides that none of these spirits or wines or beers in any of these places can be exposed to the public view. In other words, the bartender has to reach under the counter for the bottle. If it is permissible to sell the stuff, it ought to be seen by the public before the public buys it. A man ought to be able to look at the bottle and the label and see what he is getting.

Mrs. NORTON. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 21, line 11, after the word "physician", insert "for liquors as defined by the United States Pharmacopœia."

Mr. O'CONNOR. Mr. Chairman, the purpose of this amendment is to prescribe that a drug store, which under this bill is entitled only to furnish liquor on physician's prescriptions, must furnish what is well known to physicians or pharmacists as "liquor." The United States Pharmacopœia describes whisky or spiritus frumenti as liquor aged in wood 4 years, and if a physician gives a prescription for spiritus frumenti the druggist should not be able to fill it with a blended or rectified or a "cut" whisky, which is not whisky aged 4 years, and which is injurious to some people, either infants or old people.

The druggist should be restricted to what is well known as "spiritus frumenti", as defined by the United States Pharmacopœia. No one can complain about that. The druggists can only sell liquor on prescriptions now. Here is what will happen if this amendment is not agreed to. The decent physician will prescribe "spiritus frumenti", but some druggists will have on hand their pet paid physicians—and some have them permanently on the job—who will prescribe "blended" or "compounded" whisky, which is not proper prescription whisky at all. If you provide that every prescription shall be under the well-known definition of "spiritus frumenti" of the United States Pharmacopœia, you will meet and destroy that fraud on the public. The respectable physicians and the District of Columbia Pharmaceutical Association endorse the idea, as do also the honest druggists in the District.

Mrs. NORTON. Mr. Chairman, I see the sense of that and the committee will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. The holder of a manufacturer's or wholesaler's license issued hereunder shall not be entitled to hold any other class of license. No retailer's license class A or class B shall be issued or remain in force in respect of any premises for which a retailer's license class C or class D has been issued. A person, not licensed hereunder, owning an establishment for the manufacture of beverages may hold one wholesale license, and shall not be entitled to hold any other license.

With the following committee amendments:

Page 23, line 1, after the figures "12", insert "(a)."

Page 23, after line 9, insert:

"(b) No licensee holding a retailer's license, except a retailer's license class E, by direct ownership, stock ownership, or interlocking directors shall hold directly or indirectly any other retailer's license. When used in this subsection the word 'license' shall include any stockholder holding directly or indirectly 25 percent or more of the common stock or any officer of such licensee if such licensee is a corporation."

The committee amendments were severally reported and severally agreed to.

The Clerk read as follows:

SEC. 14. (a) Any individual, partnership, or corporation desiring a license under this act shall file with the board an application in such form as the Commissioners may prescribe, and such application shall contain such additional information as the board may require, and (except in the case of an application for a manufacturer's, retailer's license class E, or solicitor's license) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be licensed is to be conducted. Before a license is issued the board shall satisfy itself:

1. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, is of good moral character and generally fit for the trust to be in him reposed.

2. That the applicant, if an individual, or, if a partnership, each of the members of the partnership, or, if a corporation, each of its principal officers, is a citizen of the United States, not less than 21 years of age, and has never been convicted of a felony.

3. Except in the case of an application for a solicitor's license, that the applicant is the true and actual owner of the business for which the license is desired, and that he intends to carry on the business authorized by the license for himself and not as the agent of any individual, partnership, association, or corporation, and that he intends to superintend in person the management of the business licensed, or intends to have some other person, to be approved by the board, manage the business for him, which said manager must possess all of the qualifications required of a licensee hereunder.

4. That in the case of an applicant for a wholesaler's license or a retailer's license (except a retailer's license class E), no manufacturer or wholesaler of beverages other than the applicant (including a stockholder holding 25 percent or more of the common stock, or an officer of any manufacturer or wholesaler of beverages, if such manufacturer or wholesaler is a corporation), has such a substantial interest, direct or indirect, in the business for which the license is requested, or in the premises in respect of which such license is to be issued, as in the judgment of the board may tend to influence such licensee to purchase beverages from such manufacturer or wholesaler, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any such manufacturer or wholesaler (including such stockholder or officer) or sold by such manufacturer or wholesaler (including such stockholder or officer) to any such licensee for less than the fair market value or upon a conditional sale agreement or chattel trust.

5. That the place for which the license is to be issued is an appropriate one considering the character of the premises, its surroundings, and the wishes of the persons residing or owning property in the neighborhood of the premises for which the license is desired.

(b) Before granting a retailer's license, except a retailer's license class E or class F, the board shall give notice by advertisement published once a week and for at least 2 weeks in some newspaper of general circulation published in the District of Columbia. The advertisement so published shall contain the name of the applicant and a description by street and number, or other plain designation, of the particular location for which the license is requested and the class of license desired. Such notice shall state that remonstrants are entitled to be heard before the granting of such licenses and shall name the time and place of such hearing. There shall also be posted by the board a notice, in a conspicuous place, on the outside of the premises. This notice shall state that remonstrants are entitled to be heard before the granting of such license and shall name the same time and place for such hearing as set out in the public advertisement; and if remonstrance against the granting of such license is filed, no final action shall be taken by the board until the remonstrant shall have had an opportunity to be heard, under rules and regulations prescribed by said board. Any person willfully removing, obliterating, marring, or defacing said notice shall be deemed guilty of a violation of this act.

(c) Except in the case of a retailer's license class C, to be issued for a hotel or club, or a retailer's license class B or class E, no place shall be deemed appropriate if the owners of a majority of the real property within a radius of 600 feet of the boundary lines of the lot or parcel of ground upon which is situated the place for which the license is desired, shall, on a form to be prescribed by the Commissioners and filed with the board, object to the granting of such license. In determining the sufficiency of such objections the owners of all such property not lying within a residential-use district as defined in the zoning regulations and shown in the official atlases of the Zoning Commission shall be taken as consenting to the granting of such license, except that the Commissioners shall have power to file objections on behalf of any property lying within such radius owned by the United States or the District of Columbia. This subsection shall be construed as a limitation upon the discretion of the board in granting a license and not as a limitation upon the discretion of the board in refusing a license.

(d) A separate application shall be filed with respect to each place of business. The required license fee shall be paid to the collector of taxes and his duplicate receipt shall accompany the application for license. In the event the license is denied, the fee shall be returned. Each application (except an application for a retailer's license class F or a solicitor's license) shall be accompanied by a bond on a form to be prescribed by the Commissioners, executed by the applicant with corporate surety approved by the board, in the penal sum of $1,000, said bond to run to the District of Columbia and be conditioned upon the payment by the applicant of any and all taxes due the District of Columbia under this act and any and all fines that may be imposed upon the applicant under this act. Said bond shall not become operative unless and until the license applied for is issued, and in the event said application is denied said bond shall be returned. Every such application shall be verified by the affidavit of the applicant, if an individual, or by all of the members of a partnership, or by the president or vice president of a corporation. If any false statement is knowingly made in such application, or in any accompanying statement under oath which may be required by the Commissioners or the board, the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application or in any such accompanying statement, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the board, constitute sufficient cause for the revocation of the license.

With the following committee amendment:

Page 27, line 21, at the beginning of the line insert the words "or class D."

The committee amendment was agreed to.

Mr. BLACK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 28, after the word "license", in line 15, insert the following:

"*Provided, however,* That none of the provisions of this act shall prevent the board from promulgating regulations to permit the lawful, bona fide owners of warehouse receipts for bonded liquors stored in Government warehouses, either in the District of Columbia or elsewhere, from withdrawing such bonded liquors for personal use on payment to the collector of taxes for the District of Columbia of taxes at such rates as provided in this section: *Provided,* That such bona fide holders of such warehouse receipts held legal title to such warehouse receipts prior to the passage of this act."

Mr. BLACK. Mr. Chairman, this amendment is in the interest of various people who now hold warehouse receipts for liquor. It is the same situation as was met in the several States, but not met with so well. For instance, in Maryland the holder of a bona fide warehouse certificate for liquor could not get his liquor directly himself, but must go to a wholesaler who had a license, and the practice has grown up of the wholesaler charging the holder of a warehouse certificate various amounts of money for the service given. By this amendment the holder of the warehouse certificate having liquor now in a warehouse and there before the act, can, by paying the proper tax, submit the certificate and get his liquor.

Mr. BRITTEN. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. BRITTEN. Has this amendment been taken up with either of the District Commissioners?

Mr. BLACK. No; it has not.

Mr. BRITTEN. The amendment sounds very good to me.

Mr. BLACK. I think it was overlooked. That is all.

Mr. McFARLANE. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. McFARLANE. I should like to ask what change that makes in the existing law in regard to the withdrawal of liquor?

Mr. BLACK. Nothing, except that everything is changed by the repeal of the eighteenth amendment. By the repeal of the eighteenth amendment and by this act the whole system is changed.

Mr. McFARLANE. Is there anything in this bill in regard to the withdrawal from warehouses?

Mr. BLACK. I do not think so; no.

Mr. McFARLANE. I make the point of order that the amendment is not germane.

The CHAIRMAN (Mr. JOHNSON of Oklahoma). The Chair overrules the point of order. The point of order comes too late.

The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BLACK].

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 28, line 24, after the word "with", strike out the word "corporate."

Mr. O'CONNOR. Mr. Chairman, one can imagine the number of applications which will be filed with this board for the 11 forms of licenses to be granted in the District of Columbia. Somebody, surely not the committee, but some fine Italian hand downtown, has inserted in this bill a provision that everybody must give a surety bond by a surety company, a corporate surety bond. The applicant could not give a bond secured by real-estate owners or by the wealthiest man in the District of Columbia. The surety companies practicing in the District must get all of these bonds or none at all. I am sure if that monopoly were brought to the attention of the District Committee, the word "corporate" would have been stricken from the bill, and the ordinary security or surety that is taken in a court, or anywhere else, would be accepted from an applicant for a license under this bill.

Mr. BLACK. I wish to be heard on the amendment, Mr. Chairman. I would not think that ordinarily there would be any objection to the amendment, but inasmuch as we have proceeded as far as we have on this bill, I think the acceptance of this amendment would require several changes in the bill, and the amendment offered by the gentleman from New York, to a large extent, should be qualified. For instance, we have tried in this bill to separate the retail licensee from the wholesaler as much as possible. We have tried to keep the licensee from having an interest in more than one place. The bonding provision, if not properly restricted, might permit a professional bondsman to obtain control of the situation. So that if we are going to take the amendment at all, I think the gentleman from New York should protect the bill from any such situation arising. It does not make any difference to us whether or not it is a corporate surety or an individual surety, except that in addition to the provisions of the bill the corporate surety is surrounded by other forms of public protection. There has been a great deal of evil due to the individual sureties. It makes no difference to us, except that it is late in the day and we have gone along

on this bill on the basis I have stated, and if the gentleman is very anxious about his amendment the committee might accept it if the gentleman would modify the amendment to take care of the situation I have mentioned.

Mr. O'CONNOR. I have examined the bill very carefully and I see nothing inconsistent with striking out the word "corporate." As to individuals going surety or bail for violations of the law you have provided for in another section.

Mr. BLACK. For instance, I want to point this out: Under the gentleman's amendment a distiller might be the bondsman for the applicant. That is entirely against the theory of this bill.

Mr. O'CONNOR. Oh, no; that is provided for in another place. Every applicant could either take a corporate surety company as bondsman or furnish other bondsmen, but none of the bondsmen should be connected in any way with his business or the liquor business. This just means that you prevent a monopoly on the part of the surety companies here.

Mr. BRITTEN. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. BRITTEN. I hope the gentlemen having this bill in charge will agree to the amendment. It is more or less unimportant, but it does do one thing: A small store is operated by a man, and that man owns his own property, and he can go there and, with the assistance of his wife and relatives, schedule a bond that will save him a few dollars in payment of premium on a corporate bond which would otherwise be necessary.

Mr. BLACK. I would be willing to suggest to the committee that it accept the amendment with a proviso providing that no surety shall have any financial interest in the business of the licensee.

Mr. BRITTEN. There is no objection to that, but this is not the proper place for the amendment. This is a long section. The gentleman's amendment will not fit at this place.

Mr. BLACK. The suggestion has been made that the Committee vote down the O'Connor amendment and we shall offer later an amendment containing the restriction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

The amendment was rejected.

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 27, line 22, after the word "place", insert the following: "for which a license under this act has not been issued and in effect on the date the written objections hereinafter provided for are filed."

Mr. BOILEAU. Mr. Chairman, I call the attention of the distinguished chairman of the committee and the members of the committee to the provisions of subsection (c) of section 14, on page 27. This subsection provides that if a majority of the property owners within a radius of 600 feet of the place of business seeking a license object and file written objections with the commission that the license shall not be granted. In other words, it does not apply solely to the first licensing of the particular place of business, but it applies also to the licensing of the business in subsequent years.

For instance, if I were to start a restaurant, or if I, having a restaurant in a residential section, obtained a license to sell liquor for the first year and ran a good legitimate business, nevertheless a majority of the residents within a radius of 600 feet could prevent me from procuring a license the second year even though I may have put a tremendous amount of money into equipment.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. PALMISANO. I think the situation the gentleman suggests is taken care of in the amendment referring to April 5, 1933. In other words, all who have licenses today obtained the licenses since April 5, and would not be subject to that proviso.

Mr. BOILEAU. I was so told by several members of the committee. If the gentleman refers to the language on page 11, I may say that this language, beginning in line 10, forbids the issuance of any class or classes of licenses for businesses established subsequent to April 5, 1933, conducted near or around schools, colleges, universities, churches, or public institutions. It does not take care of the situation I have brought up at all. I can find no language in the act that does take care of this situation. I am under the impression, and it seems very clear to me from the language of this subsection, that if a majority of the owners of property within a radius of 600 feet object to an individual having his license reissued for another year, they can prevent it, even though he may have conducted his business in a very decent way.

I believe the residents of a territory should have something to say about the first issuance of the license. For instance, now, before the licenses are issued, if the people in a residential section do not want restaurants, I believe they should have something to say about it. But, having permitted a man to establish such a business and invest a large amount of money in his business, it seems to me to be entirely wrong to permit some individual to buy a few pieces of property and thereby run this man out of business.

Mr. BRITTEN. As long as he maintains a perfectly respectable place of business.

Mr. BOILEAU. I believe that is taken care of in the provision of paragraph 5, on page 26, which provides that the place for which the license is to be issued must be an appropriate one, considering the character of the premises, its surroundings, and the wishes of the persons residing or owning property in the neighborhood of the premises for which the license is desired.

It seems to me this language conveys enough power upon the board to allow them to use their own judgment and use their own discretion. I do not believe any mandatory power should be given to a few people who own property in a particular neighborhood—because it is very easy for some person to come in there and buy up enough property to control the situation—to act to the detriment of a man who is conducting a legitimate business. We are putting the liquor business on a legitimate basis with proper regulations. I do not think we should have any legislation that would permit a little group of fanatics to exercise such arbitrary power.

I hope the committee will accept this amendment.

Mrs. NORTON. Mr. Chairman, it would seem to the committee to be a reasonable amendment and the committee is inclined to agree with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The amendment was agreed to.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 28, line 24, strike out the word "corporate" and on page 29, line 4, after the word "act", insert the following:

"*Provided*, That no such surety shall have, directly or indirectly, any financial interest in the business of the licensee."

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. BLACK. I yield.

Mr. O'CONNOR. I understand this amendment accomplishes in part the purpose of the amendment I just offered, but affords the protection suggested by the gentleman, namely, that the surety shall not be interested in the place he bonds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BLACK].

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. Licenses issued hereunder shall not authorize the sale or delivery of beverages, with the exception of beer, to any person under the age of 21 years, or beer to any person under the age of 18 years, either for his own use or for the use of any other person; or the sale of beverages to any intoxicated person or to any person of notoriously intemperate habits or to any person who appears to be intoxicated; and ignorance of the age of any such minor shall not be a defense to any action

instituted under this section. No licensee shall be liable to any person for damages claimed to arise from refusal to sell such alcoholic beverages.

With the following committee amendments:

Page 34, line 17, after the word "beer", insert the words "and light wines."

The amendment was agreed to.

The Clerk read as follows:

Page 34, line 18, after the word "beer", insert the words "or light wines."

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. There shall be levied and collected by the District of Columbia on all beverages, except beer, manufactured by a holder of a manufacturer's license and on all beverages, except beer, purchased by the holder of a wholesaler's or retailer's license, except such beverages as may have been purchased from a licensee under this act, a tax of 50 cents for every wine gallon of wine containing more than 14 percent of alcohol by volume or champagne or any wine artificially carbonated, and at a like rate for any other quantity or for fractional parts thereof; a tax of 20 cents for every wine gallon of wine containing 14 percent or less of alcohol by volume, other than champagne or any wine artificially carbonated, and at a like rate for any other quantity or for the fractional parts thereof; a tax of 50 cents on every wine gallon of spirits, and at a like rate for any other quantity or for the fractional parts thereof; and a tax of $1.10 on every wine gallon of alcohol, and at a like rate for any other quantity or for the fractional parts thereof. The taxes imposed by this section shall be paid to the collector of taxes of the District of Columbia on or before the 15th day of each month for beverages manufactured by the holders of manufacturers' licenses or purchased by the holders of wholesalers' or retailers' licenses during the preceding calendar month, and such taxes shall be deposited in the Treasury of the United States to the credit of the District of Columbia. No tax shall be levied and collected on any alcohol exempt from tax under the laws of the United States, or on any alcohol sold for nonbeverage purposes, in accordance with regulations promulgated by the Commissioners. If any act of Congress shall hereafter prescribe for a Federal volume tax on alcoholic beverages under which a portion of said tax shall be returned to the District of Columbia, the taxes levied under this section shall not be collected after the effective date of such act.

Mr. BURNHAM. Mr. Chairman, I offer a committee amendment, which I will send to the desk.

The Clerk read as follows:

Committee amendment offered by Mr. BURNHAM: Strike out beginning with the figure "50", at line 7, page 36, and ending at the end of line 14, page 36, and insert in lieu thereof the following: "35 cents for every wine gallon of wine containing more than 14 percent of alcohol by volume, except champagne or any wine artificially carbonated, and at a like rate for any other quantity or for fractional parts thereof; a tax of 50 cents for every wine gallon of champagne or any wine artificially carbonated, and at a like rate for any other quantity or for the fractional parts thereof."

Mrs. NORTON. Mr. Chairman, the gentleman's amendment is agreed to. The committee accepts the amendment.

Mr. McFARLANE. I would like to ask the gentleman from California a question. Will he explain the effect of his amendment and just how it compares with the liquor bill which was enacted last week concerning the tax on wines of various alcoholic content?

Mr. BURNHAM. I will say for the benefit of my colleague from Texas that this amendment provides for a tax of 35 cents per wine gallon on wines above 14 percent alcoholic content and 50 cents per wine gallon for champagne and carbonated wines. Wine below an alcoholic content of 14 percent will take the same tax as beer.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BURNHAM. I yield to the gentleman from Missouri.

Mr. COCHRAN of Missouri. This is a local tax and is added to the Federal tax that was passed this week?

Mr. BURNHAM. Yes, sir.

Mr. COCHRAN of Missouri. It is a local tax entirely?

Mr. BURNHAM. Yes.

Mr. WEIDEMAN. Does the gentleman's amendment lower the tax or raise it, as set forth in the District bill?

Mr. BURNHAM. It is a graduated scale. It leaves the rate of 50 cents for champagnes and carbonated wines and lowers the rate on ordinary wines above 14 percent from 50 cents to 35 cents.

Mr. COCHRAN of Missouri. That is in line with the general opinion of the committee, that we should lower the tax on natural grape wine as much as we can in order to encourage the drinking of grape wine and get away from the drinking of hard liquor?

Mr. BURNHAM. Yes. This is in addition to the Federal tax, you understand.

The amendment was agreed to.

The Clerk read as follows:

SEC. 28. (a) No person shall in the District of Columbia drink any beverage in any street, alley, or publicly owned space, or in any vehicle upon the same, or in or upon any depot, platform, or waiting room of any public carrier, or in any hotel, restaurant, tavern, store, or place of business to which the public is invited, or at any public gathering, except that beverages may be drunk upon premises for which a retailer's license class C has been issued, and beer may be drunk upon premises for which a retailer's license class D has been issued. No person shall be drunk or intoxicated in any of the places (including vehicles) mentioned in this section or at any public gathering and no person shall be drunk or intoxicated and disturb the peace of any person anywhere.

(b) Any person violating the provisions of this section shall be punished by a fine of not more than $100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment in the discretion of the court.

(c) Section 11 of the act of Congress entitled "An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", approved March 3, 1917, as amended by the act of Congress entitled "An act to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes", approved April 5, 1933, and section 20 of said act approved March 3, 1917, are hereby repealed.

Mr. O'CONNOR. Mr. Chairman, some time ago I sent to the desk an amendment. If the charming chairlady of the committee should feel it is too late in the day to consider it, that is satisfactory to me, but the purpose of my amendment was to strike out the first part of section 28.

I mentioned this matter before. The provision as carried into this act was taken bodily from the Prohibition Act of the District of Columbia of 1917. This provision makes it a crime, punishable by a jail sentence, if you take a drink in your own automobile; it makes it a crime for you to take a drink in a railroad station before taking a train. Those provisions were enacted when we had prohibition here in the District. The provision would even prohibit your taking a drink on a golf course or on your club grounds. In other words, you must go inside and hide yourself away in order to take a drink.

I do not believe it is intended, now that prohibition has been repealed, to make sneaks out of the American people. If I have liquor with me, whether I am ill or not, if I am waiting for a train in a railroad station and go into the men's room of the railroad station and take a drink of my own liquor, I can be arrested and sentenced to jail under this provision. What I should do is to sneak into a restaurant and take a drink by myself. Does not the Committee think that that provision has been unwisely injected into this bill? It is taken bodily, as the report shows, from the Prohibition Act of the District of Columbia of 1917, before we had national prohibition.

I call for a vote on my amendment to eliminate such a provision from the bill.

Mrs. NORTON. Mr. Chairman, while it is not my purpose to agree with the gentleman from New York in every particular, I really think his point is well taken, and I have no objection to accepting the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York [Mr. O'CONNOR].

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page, 39, line 22, strike out all of section 28, down to and including the word "issued", in line 6, on page 40.

The amendment was agreed to.

The Clerk read as follows:

SEC. 31. After the date of the approval of this act no permit shall be issued under the act of Congress entitled "An act to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes", approved April 5, 1933, and no permits issued thereunder shall be renewed, but the Commissioners are hereby authorized to extend the expiration dates of permits issued under said act to a date designated by them, not to exceed 60 days after the approval of the act, upon such terms and conditions, including the payment of such fees as the Commissioners may prescribe. Any permittee thereunder may make

an application for a license under this act, and, if said application is approved by the board, such permittee shall surrender his permit and he shall be allowed a refund of the permit fee prorated as hereinafter provided. Any permittee under said act of April 5, 1933, may surrender his permit and receive a refund of the permit fee prorated from the date of surrender of such permit to the date of expiration thereof. All such refunds shall be paid from the permanent indefinite appropriation for refunding erroneously paid taxes in the District of Columbia. All permits issued under said act of April 5, 1933, shall remain in force and effect for the respective periods for which they were issued unless sooner surrendered.

The said act approved April 5, 1933, shall stand repealed 1 year from the date of approval of this act.

With the following committee amendments:

Page 46, line 8, after the word "surrendered", insert "after the approval of this act no taxes shall be collected under section 11 of the act approved April 5, 1933."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 34. All laws which prohibit the sale of alcoholic beverages in certain defined sections or parts of the District of Columbia are hereby repealed.

With the following committee amendments:

On page 47, after line 15, insert:

"SEC. 35. No holder of a retailer's license, except a retailer's license class E, shall sell on credit any beverages except beer and light wines. This section shall not prohibit a club from extending credit to its members or the guests of members or a hotel from extending credit to its registered guests.

"SEC. 36. No rectified or blended spirits shall be sold unless the container in which it is sold shall bear a legible label firmly affixed thereto stating the nature and percentage of each ingredient therein, the age of each such ingredient, and the alcoholic content of such spirits by volume."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 35. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

With the following committee amendment:

Page 48, line 3, strike out "35" and insert "37."

The committee amendment was agreed to.

Mr. KENNEY. Mr. Chairman, I ask unanimous consent to return to page 40, line 8, for the purpose of offering a clarifying amendment to section 28, by striking out the word "section" and inserting therefor the word "act." The preceding language has been stricken out and there are no "places" referred to in the section, but there are in the act.

Mrs. NORTON. There is no objection to that amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEY: Page 40, line 8, strike out the word "section" and insert in lieu thereof the word "act."

The amendment was agreed to.

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with sundry amendments, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Oklahoma, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H.R. 6181) to control the manufacture, transportation, possession, and sale of alcoholic beverages in the District of Columbia, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

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

Mr. PATMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Texas opposed to the bill?

Mr. PATMAN. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. PATMAN moves to recommit the bill to the Committee on the District of Columbia.

The question was taken; and a division was demanded by Mr. PATMAN.

Mr. PATMAN (while the House was dividing). Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the bill was passed.

On motion of Mrs. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C., *January 8, 1934.*

Hon. HENRY T. RAINEY,
Speaker of the House of Representatives, Washington, D.C.

MY DEAR SPEAKER RAINEY: I hereby tender to you my resignation as a member of the following committees of the House, namely, Military Affairs, Elections No. 2, and Revision of the Laws.

Respectfully,

THOMAS C. COCHRAN.

The resignations were accepted.

ELECTION TO COMMITTEE ON WAYS AND MEANS

Mr. SNELL. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House Resolution 216

Resolved, That THOMAS C. COCHRAN, of Pennsylvania, be, and he is hereby, elected a member of the Committee on Ways and Means.

The resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MULDOWNEY (at the request of Mr. DARROW), indefinitely, on account of illness.

To Mr. SWEENEY (at the request of Mr. TRUAX), indefinitely, on account of the serious illness of Mrs. Sweeney.

DISPENSING WITH BUSINESS ON CALENDAR WEDNESDAY

Mr. BYRNS. Mr. Speaker, tomorrow is Calendar Wednesday, and I move that Calendar Wednesday business be dispensed with.

The motion was agreed to.

COMMITTEE ON WAYS AND MEANS

Mr. DOUGHTON of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may sit during the sessions of the House in considering the revenue bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Will the gentleman from Tennessee inform us what is to be taken up tomorrow?

Mr. BYRNS. I think the Appropriations Committee will report the independent offices bill, and it is proposed to call it up tomorrow for consideration for general debate cnly.

Mr. SNELL. I understand there will be nothing but general debate on the bill tomorrow?

Mr. BYRNS. I so understand. It will not be printed and so will not be taken up under the 5-minute rule until Members have had a chance to examine it.

ADJOURNMENT

Mr. BYRNS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 10, 1934, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

268. A communication from the President of the United States, transmitting supplemental estimates of appropriations pertaining to the legislative establishment, House of Representatives, for the fiscal years 1934 and 1935, in the sum of $4,000 (H.Doc. No. 213); to the Committee on Appropriations and ordered to be printed.

269. A letter from the Secretary of Agriculture, transmitting reports of the Department of Agriculture for the fiscal year 1933 on the subjects of Federal-aid road work, forest roads and trails, and sale of waste paper; to the Committee on Roads.

270. A letter from the chairman of the Advisory Committee of Department of Commerce, transmitting the Seventeenth Annual Report of the United States Shipping Board, covering the period from July 1, 1932, to and including June 30, 1933 (H.Doc. No. 124); to the Committee on Merchant Marine, Radio, and Fisheries and ordered to be printed.

271. A letter from the chairman of the United States Employees' Compensation Commission, transmitting report of the operations of the United States Employees' Compensation Commission for the fiscal year ending June 30, 1933 (H.Doc. No. 140); to the Committee on the Judiciary.

272. A letter from the chairman of the Federal Radio Commission, transmitting the annual report of the Federal Radio Commission for the fiscal year ended June 30, 1933; to the Committee on Merchant Marine, Radio, and Fisheries.

273. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. for the year 1933; to the Committee on the District of Columbia.

274. A letter from the Librarian of the Library of Congress, transmitting the annual report of the Librarian of Congress, together with that of the Acting Register of Copyrights, for the fiscal year ending June 30, 1933 (H.Doc. No. 118); to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HAINES: Committee on the Post Office and Post Roads. H.R. 4224. A bill to authorize the Postmaster General to hire vehicles from postal employees; with amendment (Rept. No. 275). Referred to the Committee of the Whole House on the state of the Union.

Mr. McDUFFIE: Committee on Insular Affairs. H.R. 6574. A bill to make inapplicable in Puerto Rico and the Virgin Islands certain Federal laws relating to intoxicating liquors; without amendment (Rept. No. 276). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRISWOLD: A bill (H.R. 6603) to repeal the Government pay cut for the purpose of restoring purchasing power; to the Committee on Expenditures in the Executive Departments.

By Mr. VINSON of Georgia: A bill (H.R. 6604) to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes; to the Committee on Naval Affairs.

By Mr. SUMNERS of Texas: A bill (H.R. 6605) to amend a part of section 1 of the act of May 27, 1908, chapter 200, as amended (U.S.C., title 28, sec. 592); to the Committee on the Judiciary.

Also, a bill (H.R. 6606) to amend the act providing for the annual conference of senior circuit judges; to the Committee on the Judiciary.

Also, a bill (H.R. 6607) regulating procedure in criminal cases in the courts of the United States; to the Committee on the Judiciary.

By Mr. EDMONDS: A bill (H.R. 6608) to amend Public, Law No. 2, Seventy-third Congress, entitled "An act to maintain the credit of the United States Government", and Public Law No. 78, Seventy-third Congress, entitled "An act making appropriations for the executive offices and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes"; to the Committee on World War Veterans' Legislation.

By Mr. McCLINTIC: A bill (H.R. 6609) to levy certain taxes on transactions in illegally produced crude petroleum; to the Committee on Ways and Means.

By Mr. CHRISTIANSON: A bill (H.R. 6610) providing for the taxation of income derived from interest upon the obligations of the United States, of the several States and Territories, and of the municipal subdivisions thereof, of the District of Columbia, and of the possessions of the United States; to the Committee on Ways and Means.

By Mr. SUMNERS of Texas: A bill (H.R. 6611) to provide punishment for killing or assaulting Federal officers; to the Committee on the Judiciary.

By Mr. CULKIN: A bill (H.R. 6612) to promote the health of the people of the United States and to encourage the dairy industry in the interest of the general welfare; to the Committee on Agriculture.

By Mr. SMITH of Washington: A bill (H.R. 6613) to provide for the construction of works for flood control, the prevention of soil erosion, and the improvement of navigation in the Cowlitz, Coweeman, Lewis, Chehalis, Wishkah, Wynooche, Satsop, Hoquiam, Humptulips, Quinault, Nisqually, Skookumchuck, Deschutes, Black, Hanaford, Saulzer, Skokomish, Goldsborough, Elochoman, and Columbia Rivers at Vancouver and Ilwaco, and their tributaries in the State of Washington; to the Committee on Flood Control.

By Mr. BLAND: A bill (H.R. 6614) to amend section 702 of the Merchant Marine Act, 1928, relating to requisitioning of ships in time of national emergency declared by the President; to the Committee on Merchant Marine, Radio, and Fisheries.

By Mr. STEAGALL: A bill (H.R. 6615) to authorize the Reconstruction Finance Corporation to continue its functions until such time as the President shall by proclamation determine, to provide funds for the continuance of such functions, and for other purposes; to the Committee on Banking and Currency.

By Mr. BAILEY [and Mr. COLMER]: A bill (H.R. 6616) providing for special boards for determination and review of applications for compensation for soldiers in the Spanish-American War, Boxer rebellion, or Philippine Insurrection, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. DIMOND: A bill (H.R. 6617) providing for representation of the Territories of Alaska and Hawaii in the Senate of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PARKS: A bill (H.R. 6618) to amend the first paragraph of section 41 of the Code of Laws of the United States of America; to the Committee on the Judiciary.

By Mr. CHRISTIANSON: A bill (H.R. 6619) to repeal section 742 of title 31 of the United States Code, exempting certain securities of the United States from taxation by State, municipal, or local authority; to the Committee on Ways and Means.

By Mr. SUTPHIN: A bill (H.R. 6620) incorporating the National Ethiopian Supreme Council of the Universal Order of Free Masons (Ethiopian Rites, inclusive); to the Committee on the District of Columbia.

By Mr. DUNN: A bill (H.R. 6621) to reimburse all unpaid school teachers of the United States and its possessions; to the Committee on Education.

By Mr. GIFFORD: A bill (H.R. 6622) authorizing the Secretary of Commerce to lease certain Government land at Woods Hole, Mass.; to the Committee on Merchant Marine, Radio, and Fisheries.

By Mr. GRISWOLD: Resolution (H.Res. 213) creating a special committee to investigate the guardianships of veterans under supervision of the Veterans' Administration; to the Committee on Rules.

By Mr. SUMNERS of Texas: Resolution (H.Res. 214) relative to further expenses of conducting the investigation authorized by House Resolution 163; to the Committee on Accounts.

Also, resolution (H.Res. 215) relative to the further expenses of conducting the investigation authorized by House Resolution 145; to the Committee on Accounts.

By Mr. CHRISTIANSON: Joint resolution (H.J.Res. 222) proposing an amendment to the Constitution of the United States empowering the United States and the several States to lay and collect taxes upon income derived from certain securities; to the Committee on the Judiciary.

By Mr. WHITE: Joint Resolution (H.J.Res. 223) authorizing and directing the Architect of the Capitol to make a survey of the acoustics of the House of Representatives, to improve the audition within the Chamber; to the Committee on Accounts.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Minnesota, memorializing Congress to enact legislation designed to secure fair prices for agricultural products for the producer; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Colorado, memorializing Congress to restore the bimetallic monetary system of coinage as established by the act of Congress of 1832 and repealed by the act of Congress of 1873; to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Legislature of the State of Wisconsin, memorializing Congress to enact legislation providing for a minimum living wage in the various industries; to the Committee on Labor.

Also, memorial of the Legislature of the State of Minnesota, memorializing Congress to enact legislation designed to secure fair prices for agricultural products for the producer; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BURNHAM: A bill (H.R. 6623) for the relief of the heirs of Facunda Gonzales; to the Committee on War Claims.

By Mr. COLLINS of California: A bill (H.R. 6624) for the relief of Daniel G. Fleming, also known as David Fleming; to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H.R. 6625) for the relief of Charles Farr; to the Committee on Claims.

By Mr. DUNCAN of Missouri: A bill (H.R. 6626) for the relief of John Evans; to the Committee on Claims.

By Mr. DURGAN of Indiana: A bill (H.R. 6627) granting a pension to Ada Barngrover; to the Committee on Invalid Pensions.

Also, a bill (H.R. 6628) granting a pension to Mary E. Troutman; to the Committee on Invalid Pensions.

Also, a bill (H.R. 6629) granting a pension to Mary Louderback; to the Committee on Invalid Pensions.

By Mr. FIESINGER: A bill (H.R. 6630) awarding a medal of honor to Henry G. Mehling; to the Committee on Naval Affairs.

By Mr. GIFFORD: A bill (H.R. 6631) granting a pension to Agnes E. Bernhardt; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H.R. 6632) granting a pension to Anna E. Cain; to the Committee on Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H.R. 6633) to pay to Nancy Schell (Mrs. J. D.) Hawn, as heir of Philip B. Schell, deceased, $1,130, representing the value of horses and forage furnished the Government during the Civil War; to the Committee on Claims.

Also, a bill (H.R. 6634) to pay to W. H. Cornelius the sum of $800 for injuries sustained in a collision between his team and wagon and an automobile driven by Regular Army soldiers stationed at Fort Sill, Okla.; to the Committee on Claims.

By Mr. JOHNSON of Texas: A bill (H.R. 6635) for the relief of W. Cannon Barron; to the Committee on Claims.

By Mr. HARLAN: A bill (H.R. 6636) to declare Stephen W. Thompson to be the first American soldier to have brought down in combat a German airplane, and to authorize the President to confer upon him a suitable decoration; to the Committee on Military Affairs.

By Mr. KENNEDY of Maryland: A bill (H.R. 6637) for the relief of Alice May Rochow; to the Committee on Claims.

Also, a bill (H.R. 6638) for the relief of the Monumental Stevedore Co.; to the Committee on Claims.

By Mr. KLEBERG: A bill (H.R. 6639) for the relief of Russell & Tucker and certain other citizens of the State of Texas, Oklahoma, and Kansas; to the Committee on Claims.

By Mr. KOCIALKOWSKI: A bill (H.R. 6640) for the relief of Anna Kotnyek; to the Committee on Claims.

By Mr. KOPPLEMANN: A bill (H.R. 6641) for the relief of Walter Kaszubski; to the Committee on Naval Affairs.

By Mr. KRAMER: A bill (H.R. 6642) granting a pension to Ella Pierce; to the Committee on Invalid Pensions.

Also, a bill (H.R. 6643) for the relief of George A. Whitlock; to the Committee on Naval Affairs.

By Mr. KVALE: A bill (H.R. 6644) for the relief of Madeline Fallon; to the Committee on Claims.

By Mr. LUCE: A bill (H.R. 6645) for the relief of William J. Scott; to the Committee on Naval Affairs.

By Mr. McKEOWN: A bill (H.R. 6646) granting a pension to Clara M. Curtis; to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H.R. 6647) to compensate Harriet C. Holaday; to the Committee on Foreign Affairs.

Also, a bill (H.R. 6648) granting a pension to Mary E. Snyder; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H.R. 6649) for the relief of Henry C. Zeller and Edward G. Zeller, with respect to the maintenance of suit against the United States for recovery of any income tax paid to the United States for the fiscal year beginning October 1, 1916, and ending September 30, 1917, in excess of the amount of tax lawfully due for such period; to the Committee on Claims.

Also, a bill (H.R. 6650) for the relief of Leonard Gospodarski; to the Committee on Claims.

By Mr. O'BRIEN: A bill (H.R. 6651) for the relief of Oscar Thompson; to the Committee on Military Affairs.

Also, a bill (H.R. 6652) for the relief of George E. Liberty; to the Committee on Naval Affairs.

By Mr. OLIVER of New York: A bill (H.R. 6653) for the relief of Frank Williams; to the Committee on Claims.

By Mr. PARKER: A bill (H.R. 6654) for the relief of Nephew K. Clark; to the Committee on Claims.

By Mr. REECE: A bill (H.R. 6655) for the relief of E. R. Logwood; to the Committee on Claims.

By Mr. SCRUGHAM: A bill (H.R. 6656) for the relief of Caroline (Stever) Dykstra; to the Committee on Claims.

By Mr. SMITH of Washington: A bill (H.R. 6657) for the relief of Frank P. Ross; to the Committee on the Public Lands.

Also, a bill (H.R. 6658) for the relief of Earl A. Ross; to the Committee on the Public Lands.

By Mr. SMITH of West Virginia: A bill (H.R. 6659) for the relief of Matt Burgess; to the Committee on Claims.

By Mr. TRAEGER: A bill (H.R. 6660) for the relief of Nina Drips; to the Committee on Claims.

Also, a bill (H.R. 6661) for the relief of Rudolph R. Mueller; to the Committee on Claims.

By Mr. VINSON of Georgia: A bill (H.R. 6662) granting a pension to Mrs. Carl Rainey; to the Committee on Pensions.

By Mr. KELLER: Joint resolution (H.J.Res. 224) to retire George W. Hess as Director emeritus of the Botanic Garden, and for other purposes; to the Committee on the Library.

PETITIONS, ETC.

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

1514. By Mr. BACON: Petition of sundry citizens of New York, opposing any change in immigration quotas to permit the entry into the United States of political refugees from Europe; to the Committee on Immigration and Naturalization.

1515. By Mr. BURNHAM: Petition from the San Francisco Junior Chamber of Commerce, protesting the pay freeze in the naval and military service of the United States; to the Committee on Appropriations.

1516. Also, petition signed by 51 residents of National City and San Diego, Calif., urging the restoration of pensions, hospitalization, and care of veterans of the Spanish-American War as same existed prior to the enactment of Public, No. 2, Seventy-third Congress; to the Committee on Pensions.

1517. By Mr. CARTER of Wyoming: Memorial from the Twenty-second Legislature of the State of Wyoming, memorializing the President and the Congress of the United States to enact legislation prohibiting or curtailing the importation of canned beef; to the Committee on Foreign Affairs.

1518. By Mr. CULLEN: Petition that the New York Detachment; Hudson Detachment, Jersey City, N.J.; Captain Burwell H. Clarke Detachment, Newark, N.J.; Bergen County Detachment, Hackensack, N.J.; and the Morristown Detachment, Morristown, N.J., in joint conference unanimously approve the report made to Congress by Gen. Ben H. Fuller, major general commandant of the United States Marine Corps, in which he recommends that the strength of the corps be increased by 2,000 and that promotion of officers be made more rapid commensurate with the length of service, and that Congress be urged to enact such laws which are necessary to place in effect the recommendations so made; to the Committee on Military Affairs.

1519. Also, petition of the New York State Historical Association, requesting the Congress of the United States to arrange and support with suitable appropriation of funds a sesquicentennial celebration in honor of the Federal Constitution, to be held throughout the country in the year 1937; to the Committee on the Library.

1520. By Mr. GLOVER: Memorial of the House of Representatives of the State of Arkansas; to the Committee on Appropriations.

1521. By Mr. JOHNSON of Minnesota: Resolution by the Women's Cooperative Guild of Zim, Minn., urging adequate food and drug laws; to the Committee on Agriculture.

1522. Also, resolution of protest and urge of repeal of the Economy Act by the Teonka Post, No. 2633, Veterans of Foreign Wars; to the Committee on Appropriations.

1523. Also, resolution by the Detroit Lakes (Minn.) Farmer-Labor Club, urging the immediate passage of the Lemke-Frazier bill for agriculture; to the Committee on Agriculture.

1524. Also, memorial of the State Senate of Minnesota (the State House of Representatives concurring therein), memorializing Congress to enact legislation designed to secure fair prices for agricultural products for the producer; to the Committee on Agriculture.

1525. Also, resolution by the State house of representatives, urging the release of Mooney and Billings from a California prison; to the Committee on the Judiciary.

1526. By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, memorializing Congress to enact legislation designed to secure fair prices for agricultural products for the producer; to the Committee on Agriculture.

1527. By Mr. LAMBERTSON: Resolution adopted at the regular meeting of the Woman's Christian Temperance Union, of Nortonville, Kans., urging favorable consideration of the Patman motion-picture bill, H.R. 6097, providing higher moral standards for films entering interstate and international commerce, signed by the president, Mrs. Hannah E. Maris, and secretary, Mrs. Lillias Tate, also the corresponding secretary, Mrs. C. D. Stillman, of Nortonville, Kans.; to the Committee on Interstate and Foreign Commerce.

1528. By Mr. MEAD: Petition of the Ninth Ward Citizens and Taxpayers Association, Buffalo, N.Y.; to the Committee on the Judiciary.

1529. By Mr. RUDD: Petition of Western Union Cable Employees Association, New York City, opposing mergers of telegraph and cable companies; to the Committee on Interstate and Foreign Commerce.

1530. Also, memorial of National Association of Letter Carriers, M. T. Finnan, secretary, Washington, D.C., urging the repeal of the salary reduction as authorized by the so-called "Economy Act"; to the Committee on Appropriations.

1531. By the SPEAKER: Petition of the city of Manitowoc, Wis., regarding the continuance of the F.C.W.A.; to the Committee on Ways and Means.

1532. Also, petition of the city of Cleveland, Ohio, regarding the enactment of an antilynching law; to the Committee on the Judiciary.

1533. Also, petition of Jesse C. Duke, regarding *Impeachment Charges* v. *F. Dickinson Letts*, an Associate Justice of the Supreme Court of the District of Columbia, and against Leo A. Rover, United States attorney for the District of Columbia; to the Committee on the Judiciary.

SENATE

WEDNESDAY, JANUARY 10, 1934

The Chaplain, Rev. ZeBarney T. Phillips, D.D., offered the following prayer:

Almighty God, creator of all things, by whose eternal thought the worlds are upheld and of whose infinite bounty we all partake, make our hearts simple and trustful, that in the brightness of this new morning we may share with Thee in humble fellowship Thy majesty and glory.

Give us this day, O Father, life that is strong and triumphant, life that is joyous and free, that fearlessly and honestly we may seek the truth and by our high endeavor master the difficulties of these overburdened hours.

Thou who art Lord of every land and tongue, give to all the nations prosperity and peace; teach us by Thy spirit the universal language of Thy love, that every corner of the earth may be filled with light and gladness, and at the door of every heart the King of Glory may find entrance. We ask it in the name of Him who is Thy love made manifest, Jesus Christ our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of Monday, January 8, 1934, when, on request of Mr. ROBINSON of Arkansas and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I make the suggestion of the absence of a quorum and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Copeland	Hayden	Pope
Ashurst	Costigan	Hebert	Reed
Austin	Couzens	Johnson	Reynolds
Bachman	Cutting	Keyes	Robinson, Ark.
Bailey	Davis	King	Robinson, Ind.
Bankhead	Dickinson	La Follette	Russell
Barbour	Dieterich	Lewis	Schall
Barkley	Dill	Logan	Sheppard
Black	Duffy	Lonergan	Shipstead
Bone	Erickson	McAdoo	Smith
Borah	Fess	McCarran	Steiwer
Brown	Fletcher	McGill	Stephens
Bulkley	Frazier	McKellar	Thomas, Okla.
Bulow	George	McNary	Thomas, Utah
Byrd	Glass	Murphy	Thompson
Byrnes	Goldsborough	Neely	Trammell
Capper	Gore	Norris	Tydings
Caraway	Hale	Nye	Vandenberg
Carey	Harrison	O'Mahoney	Van Nuys
Clark	Hastings	Overton	Wagner
Connally	Hatch	Patterson	Walsh
Coolidge	Hatfield	Pittman	Wheeler