4140. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan urging favorable consideration of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4141. By Mr. HULL of Wisconsin: Resolution of Common Council of city of La Crosse, Wis., favoring legislation granting pensions and increasing pensions of certain soldiers, sailors, and nurses of the war with Ppain, the Philippine insurrection, and China relief expedition; to the Committee on Pensions.

4142. Also, resolution of Roy L. Vingers Post, American Legion, La Crosse, Wis., favoring legislation granting pensions and increasing pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, and the China relief expedition; to the Committee on Pensions.

4143. Also, petition of citizens of Vernon County, Wis., favoring legislation increasing pensions of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4144. Also, petition of citizens of Thorpe, Wis., favoring legislation increasing pensions of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4145. By Mr. JOHNSON of Texas: Petition of Mr. W. T. Watkins, president, and Mr. J. B. Cropper, secretary of Carpenters Local Union, No. 213, of Houston, Tex., indorsing the John C. Box immigration bill; to the Committee on Immigration and Naturalization.

4146. By Mr. KVALE: Petition of Department of Minnesota, United Spanish War Veterans, urging passage of House bill 2562; to the Committee on Pensions.

4147. By Mr. LEECH: Petition of citizens of Johnstown, favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4148. By Mr. McMILLAN: Petition of citizens of Jacksonboro, S. C., urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

4149. By Mr. MEAD: Petition of New York State Legislature, favoring enactment of legislation preventing action by the Federal courts in respect to public utilities; to the Committee on the Judiciary.

4150. By Mr. MICHENER: Petition of sundry citizens of Milan, Mich., favoring the passage of House bill 2562; to the Committee on Pensions.

4151. By Mr. MURPHY: Petition of Mr. Barton Jones, Tiltonville, Ohio, and 122 other residents of that city, asking for the passage of the Spanish-American War pension bill; to the Committee on Pensions.

4152. By Mr. PRALL: Petition received from citizens of Staten Island, N. Y., for the speedy consideration and passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States; to the Committee on Pensions.

4153. By Mr. HENRY T. RAINEY: Petition signed by Earle Williams and other citizens of Rockbridge, Ill., asking for increased pension rates to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4154. By Mr. SHAFFER of Virginia: Petition of citizens of the State of Virginia, urging the passage of Senate bill 467 and House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

4155. By Mr. SPEAKS: Petition signed by 60 citizens of Columbus, Ohio, urging speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4156. By Mr. SPROUL of Illinois: Petition of 127 citizens of Cook County, Ill., urging increased pensions for Spanish-American War veterans; to the Committee on Pensions.

4157. By Mr. WOLVERTON of West Virginia: Petition of Benton C. Radabaugh and citizens of Hall, H. A. Darnall and citizens of Buckhannon, Charles J. Loudin and citizens of Alton, and other citizens of Upshur, Lewis, Harrison, and Ritchie Counties, W. Va., urging Congress to take speedy and favorable action on Senate bill 476 and House bill 2562, providing increased pension schedule for the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4158. By Mr. WOOD: Petition of citizens of Gary, Ind., asking for legislation increasing the rates of pension for Spanish-American War veterans; to the Committee on Pensions.

4159. Also, petition of citizens of Lafayette, Ind., asking for legislation increasing the rates of pension for Spanish-American War veterans; to the Committee on Pensions.

4160. By Mr. WYANT: Petition of Irwin Council, No. 44, Junior Order of United American Mechanics, Irwin, Pa., advocating passage of legislation placing Mexican immigration on quota basis, making The Star-Spangled Banner the official national anthem, and opposing the repeal of the national-origins clause of the immigration law; to the Committee on Immigration and Naturalization.

4161. By Mr. YATES: Petition of Harvey J. Sconce, Danville, Ill., urging that in order to bring about relative reduction of acreage of corn, wheat, and oats, farmers must have adequate tariff protection against foreign importation—namely, import duty of 45 cents per bushel on soybeans and $6 per ton on soybean meal; to the Committee on Ways and Means.

SENATE

THURSDAY, *February 6, 1930*

(Legislative day of Monday, January 6, 1930)

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

HON. WILLIAM H. TAFT, FORMER CHIEF JUSTICE OF THE UNITED STATES

Mr. HARRIS. Mr. President, I submit a resolution, and ask unanimous consent for its immediate consideration after it is read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 207) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That it was with deep regret that the Members of the Senate learned of the serious illness of former Chief Justice Taft, and it is hoped that he will soon be restored to health.

PILGRIMAGE OF GOLD-STAR MOTHERS

Mr. JONES. Mr. President, I have in charge three deficiency measures which have recently passed the House and which are rather urgent in their nature. I think it will take only a moment or two to dispose of them.

From the Committee on Appropriations, I report back favorably, without amendment, the joint resolution (H. J. Res. 242) making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,386,367, to remain available until December 31, 1933, to enable the Secretary of War to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929 (45 Stat. 1508), and any acts amendatory thereof and supplementary thereto, including reimbursement of the appropriations of the War Department of such amounts as have been or may be expended therefrom in the administration of such act, and for such additional employees in the office of the Quartermaster General of the Army as the Secretary of War may deem necessary.

Mr. HARRIS. Mr. President, I am very much in favor of the joint resolutions reported by the chairman of the Appropriations Committee, particularly the one relating to the gold-star mothers. I presented to the Committee on Appropriations an amendment providing that those mothers who do not go abroad shall be allowed payment of the amount which it would have cost to send them had they gone. The amendment is subject to a point of order, and I shall not take the time of the Senate for a discussion of it to-day, but I have a bill providing for that payment, which is now pending before the Committee on Military Affairs, and I hope to have consideration of it soon, as I think it is a very important measure. There are many gold-star mothers without homes and comforts; some are really needy, while others are not strong enough to take the trip, and we should not discriminate against any of them. The amount it would cost the Government to send one of these gold-star mothers would build a small cottage and give other comforts. Of course, my plan would not deprive these mothers of the

right to take the trip to France. It would be optional to the gold-star mothers. The fact that some of these mothers have drawn compensation because of the death of their sons means nothing compared to their loss, and this plan does not discriminate against those who can not go or who prefer not leaving their homes and families.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOPERATIVE CONSTRUCTION OF RURAL POST ROADS

Mr. JONES. From the Committee on Appropriations I report back favorably, without amendment, the joint resolution (H. J. Res. 241) making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads. This is to supply a necessary amount for the fiscal year in addition to that carried in the Agricultural Department appropriation bill. I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,400,000, to remain available until expended, for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (U. S. C., title 16, sec. 503), and all acts amendatory thereof and supplementary thereto, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1930, such sum being part of the amount authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (45 Stat. 750).

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTROL OF PINK BOLLWORM IN ARIZONA

Mr. JONES. Also from the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 240) making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona. This comes with a special recommendation from the Bureau of the Budget, and, as the title indicates, it is to meet a special emergency in the State of Arizona. I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the sum of $587,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until June 30, 1930, as an additional amount for salaries and general expenses, Plant Quarantine and Control Administration, Department of Agriculture, for the control and prevention of the spread of the pink bollworm, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1930, to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona: *Provided*, That no expenditures shall be made from this sum until an amount or amounts sufficient to compensate any farmer for one-half of his actual and necessary losses due to the enforced nonproduction of cotton in any zone established by the State of Arizona shall have been appropriated, contributed, or guaranteed to the satisfaction of the Secretary of Agriculture by State, county, or local authorities, or individuals or organizations.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TARIFF ON PETROLEUM AND ITS REFINED PRODUCTS

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have inserted in the RECORD a statement by Wirt Franklin, president of the Independent Oil Association of America, in support of a tariff on petroleum and its refined products.

There being no objection, the statement was ordered to lie on the table and to be printed in the RECORD, as follows:

STATEMENT OF WIRT FRANKLIN, PRESIDENT OF THE INDEPENDENT OIL ASSOCIATION OF AMERICA, IN SUPPORT OF TARIFF ON PETROLEUM AND ITS REFINED PRODUCTS

In asking for a tariff on oil, we are asking no more than the other industries and producers have asked. We are asking no new or untried experiment. Every item we use in our industry is protected. The tools and appliances that we use are protected. We pay the most uniformly high wages of any American industry; our employees are contented, although their work is hard and living conditions often unsettled, owing to much of our activities being in the open, yet they are loyal to the American ideal and to their work.

We carry the greatest burden of taxation of any industry—in some cases paying the entire cost of the current State expense—and do not complain. We were loyal to our Government during the war; our commodities increased less in price than any other in proportion to their value. In deflation the industry has borne its burden and has not tried to pass it on. The gasoline that was worth $1 in 1913 now costs $1.18, while at the same time building materials of $1 valuation in 1913 costs $1.73 now, house furnishings $1.61, farm products $1.42, The average of all commodiies is $1.51.

We are a part of one of the greatest of American industries. This industry has been classed as probably the most characteristically American of all our great industries.

We come to you knowing your interest in the general welfare of our Government, and ask you to consider our cause as the facts justify, laying aside any impressions that you may have received, and listen to our cause and consider it in that great American spirit of fair play.

On September 27, 1928, the Hon. CHARLES CURTIS, now Vice President of the United States, in an address at Tulsa, Okla., the oil capital of the world, said: "In the last two revenue bills I proposed a duty on oil. You in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year (1927) we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels, and we would not have to shut down production here."

Now, we find that instead of the 77,000,000 barrels imports of 1927 being shut out, said imports were increased in 1928 as follows: Crude oil, 79,583,000 barrels; refined products in excess of 12,000,000 barrels, or a total import of crude and refined in excess of 91,500,000 barrels, while in the year 1929 the total imports of crude and refined oils exceeded 109,000,000 barrels, said figures being roughly as follows: Gasoline, 9,000,000 barrels; fuel oil, 23,000,000 barrels; and crude oil, 77,000,000 barrels. The tariff question has ceased to be a partisan question, for the Democratic platform of 1928 contained language guaranteeing the protection of American industry by the imposition of a tariff almost, if not quite as forceful, as the platform of the Republican Party. Therefore we come before you not as partisans but as citizens of this great country, expecting to receive at your hands that fair consideration justified by the facts in the case.

We have heard much during the past three or four years of the subject of conservation of petroleum resources. The producers of oil, large and small, have with ever-increasing unanimity given their cooperation at great sacrifice to further this cause, hoping that there might result from this move a stabilization of the oil industry which would be beneficial alike to those engaged in the industry and the general public; but, nevertheless, we must confess that we have followed the movement with serious misgivings because of the fact that the whole movement has seemed to us to have been builded upon a false foundation of fact. The press of the country has been filled with predictions and forebodings announcing to the industry and the general public over a long period of time the early exhaustion of the petroleum reserves of the United States to the point of endangering national defense. Throughout the oil-producing States we have been exhorted to curtail production in the name of patriotism, if you please, until the curtailment movement during recent months has successfully and fully brought about an admitted balance between supply and demand, even though during the same period imports of crude oil and refined products have increased almost in the exact ratio of the curtailment in domestic production, until it is apparent to the most casual observer that the conservation and curtailment movement alone, as heretofore applied, will not in itself accomplish the stabilization of the petroleum industry, or prevent the great waste, economic and actual, which its most ardent advocates have predicted. The logical continuation of this program, unaccompanied by some measure to restrict importation of oil and refined products, will be the ultimate destruction of that vast army of American citizens engaged in the petroleum industry, with its accompaniment of distress to the hundreds of thousands of men employed in the oil fields, refineries and marketing agencies, and allied industries.

To show that this program of so-called conservation is builded upon a false foundation, it becomes necessary at this point to sum up the former estimates of future oil production in the United States, and later to call attention to the vast petroleum reserves which we actually possess.

1908—DAVID T. DAY

Estimated a minimum of 8,500,000,000 barrels.

Estimated a maximum of fifteen to twenty-two and one-half billion barrels.

From 1908 to 1929, inclusive, United States has produced 10,441,447,000 barrels.

All of Day's minimum, plus 23 per cent.

1914—RALPH ARNOLD

Estimated future production at 5,700,000,000 barrels.

From 1914 to 1929, inclusive, United States produced 9,178,396,000 barrels.

All of Arnold's estimate, plus over 61 per cent.

1915—UNITED STATES GEOLOGICAL SURVEY

Estimated future production at 7,600,000,000 barrels.

From 1915 to 1929, inclusive, United States has produced 8,912,633,000 barrels.

All of that estimate, plus 17 per cent.

1918—WHITE

Estimated future production at 6,700,000,000 barrels.

From 1918 to 1929, inclusive, United States produced 7,995,446,000 barrels.

All of White's estimate, plus nearly 20 per cent.

1921—CERTAIN PETROLEUM GEOLOGISTS OF A. A. P. G.

Estimated future production at 9,150,000,000 barrels.

From 1921 to 1929, inclusive, United States produced 6,818,222,000 barrels. Nearly 75 per cent in nine years.

1925—COMMITTEE OF 11

Estimated future production from proven acreage on present methods, 5,300,000,000 barrels.

From 1925 to 1929, inclusive, United States has produced from these properties and new pools 4,342,161,000 barrels, almost 82 per cent.

1929

In the year 1929 the United States, according to best estimates available at the present writing (January 27, 1930), produced 1,004,415,000 barrels, compared with 902,000,000 barrels in 1928.

1857 TO 1929, INCLUSIVE

From the beginning to date the United States has produced a total of 12,248,090,000 barrels.

The production is now over a billion barrels per year, with the production curve on the up-grade.

"In 1913 the United States produced 248,446,000 barrels. In 1929 Oklahoma alone produced over 250,000,000 barrels, or more oil than the entire United States produced in so recent a time as 1913. Oklahoma produces a billion barrels of oil each four years; it is capable of producing a billion barrels each year, if the demand called for such development. The same is true of Texas and California. It is highly probable that any one of the States of Oklahoma, Texas, and California can produce as much oil as the entire United States has produced to date. The oil resources of these States loom larger with each passing year. They are getting the exploration. Other States would leap forward correspondingly if corresponding development were done within their borders."

The production of the United States has been swinging upward from the discovery of oil up to the present time, a period of 72 years, and when we consider that the vast domain from the Canadian line to the Gulf of Mexico lying immediately east of the Rocky Mountains is a potential oil territory practically undeveloped and unexplored at this time, it is apparent that the production curve will be on the upward trend for many years to come, and that when said curve starts downward, if that day ever comes, we will produce from those known reserves of oil as much or more oil than had been produced prior to the day when said decline curve will start on its downward course.

What I have said above has been applicable to reserves of oil to be produced from oil wells. We now come to a consideration of the vast reserves contained in the oil-shale deposits of the States of Colorado, Wyoming, and Utah. These deposits have been accurately surveyed, their oil content measured, and suffice it to say that in one deposit in Colorado the experts of the Government and the Colorado Bureau of Mines are agreed that there are 80,000,000,000 barrels of recoverable oil. Should it ever become necessary to use the same, we have in our coal deposits of the United States, being approximately 54 per cent of the coal deposits of the world, another great source of oil, so great that it is difficult for the human mind to comprehend. Oil and its derivatives, including gasoline, is being produced in two plants in Germany on a commercial basis, and in competition with well oil, by processing coal according to the Borgius hydrogenation process. Thus it appears that there is no danger whatever of the exhaustion of our petroleum reserves in the United States. This is the oil age. Let us use our oil reserves while they are yet available, while we need them, and before some new form of power is discovered which will supersede it. Let us not shut in the production of oil which we now have or stop a sane and orderly development of our great oil deposits and by so doing bring ruin and destruction to all of those business interests of the oil-producing States, which have come to realize and be dependent upon in a major degree the oil industry in these States.

It appears to us that the only beneficiaries of such a policy would be the four or five companies now engaged in producing and importing foreign oil, who naturally would like to have the American market exclusively. The United States consumes approximately 68 per cent of all the oil produced in the world, and is capable of supplying that demand at home with domestic production. In like manner, this country is now producing approximately 68 per cent of the world's production of oil. There is no overproduction in the United States now and there never has been if imported oil and refined products are not taken into consideration.

From the standpoint of true conservation there could be no measure adopted of more efficiency than a tariff on oil and the refined products thereof. Mr. M. L. Requa, chairman of the Colorado Springs Conference, stated in his opening address at that conference that there are now in the United States 250,000 wells producing an average of 1 barrel per day each, and there are in addition to that at least 50,000 other wells whose production will average 5 barrels per day, the total production of these wells being approximately 500,000 barrels per day. These wells have been operated for the last three years at a loss, but nevertheless operated by their owners in the hope that some solution might soon be found and these wells again become profitable. Vast numbers of these small wells have, during this period, been abandoned. How much longer can the owners of these wells continue to operate them at a loss? Certainly not indefinitely. Still it must be admitted that these small wells are the backbone of the oil industry, its very lifeblood. Their abandonment because they are unprofitable would be the most serious blow to conservation of oil in the United States which could be imagined. Once abandoned it would never be profitable to again drill wells to the same sand, and this vast amount of production would be lost forever. A tariff of $1 per barrel on crude oil, and a commensurate tariff on refined products will save these wells and 500,000 barrels of oil per day for the domestic consumers.

In this connection it is now pertinent to call attention to the fact that the average cost of production of oil in Venezuela, the point of origin of a major portion of our imports, is 18 cents per barrel at the well. The average cost per barrel of this oil delivered to the deep water at Maracaibo is 40 cents per barrel, and the transportation charge from that point to Atlantic and Gulf ports is 35 cents, making a total cost of 75 cents per barrel, while the pipe-line transportation charge alone on oil produced in the great mid-continent field, which is supplying the bulk of the oil produced in the United States to-day, to these same centers of consumption and distribution will average about 76 cents per barrel. It can therefore readily be seen that domestic oil can not compete with these imported oils.

It has heretofore been argued by opponents of a tariff on oil that the levying of a tariff would keep foreign oil out of the United States and thus take away from the laborers of the United States, employed in refineries, and from American capital invested at home, the processing and refining of this foreign oil, that we should allow free importation of crude oil for this reason, that if a tariff should be levied it would cause the construction of refineries at the various sources of supply and thus result in a direct loss to American capital and labor; but this argument, if it ever had any weight, has ceased to be effective for the reason that refineries have been constructed off the coast of Venezuela, there being two such refineries there at this time with a total daily refining capacity of 240,000 barrels, now operated at full capacity, with the result that whereas most of the imports previously were of crude oil, the past year the imports of refined products have been increased two and one-half times the volume of 1928, and cheap gasoline thus produced has brought further demoralization upon the petroleum industry, both producing and refining. What the future holds for us in this regard can well be imagined unless the Congress shall levy, without delay, a tariff upon refined products. We wish to make it clear at this point that we are not advocating the exclusion of crude oil where the same is imported for refining and reexport, and willingly agree that crude oil so imported in bond should be permitted to come in free of duty, as in the case of other commodities.

Another argument against a tariff on oil, which at first thought will seem to have some weight, is that the imposition of a tariff would be detrimental to the interest of the consumers (buyers of gasoline), that the consumers so far outnumber the producers and refiners and those employed in the petroleum industry that their interests are paramount, and the duty should not be imposed. Now let us examine the figures and see if the consumer of gasoline and lubricating oils has received any benefits whatever from cheap imports. In February, 1926, in 52 cities throughout the United States the average price of gasoline at the filling station was 20 cents per gallon, the average price of fuel oil was $1.28 per barrel, while the average price of crude oil during February, 1926, in Oklahoma and Kansas of 0.36 gravity was $2.04. In February, 1929, the average price of gasoline at the filling station in the same cities was 19.5 cents per gallon, the average price of fuel oil was 75 cents, while the price of crude oil in Kansas and Oklahoma of 0.36 gravity was $1.20. The same relative price schedules obtained throughout the years 1926 and 1929.

Every consumer knows that he has paid approximately the same price for gasoline and engine oil during this period. The price of gasoline to the consumer has not fluctuated in proportion to the price

of crude oil, but the bottom has fallen out of fuel oil, the price of which at times has been reduced in certain of the oil-producing and refining centers to as low as 50 cents per barrel, thus bringing about a very wasteful utilization of this oil, which might better be conserved for higher uses than fuel. This cheap fuel oil coming into competition with coal has thrown the great coal industry out of joint, and no less than 50,000 American laborers employed in the mines and the transportation of coal out of employment. The beneficiaries of this cheap fuel oil have been the manufacturing industries of the country, principally of New England and the Atlantic seaboard, which industries, through their associations have protested against a tariff on oil, but which industries themselves depend for their very existence, if due credence is given to their claims in hearings before the committees, upon a high-protective tariff, and without which they could not exist. These industries are anxious to continue the present policy of free import of oil suitable for fuel, and as before stated the consumer of gasoline does not receive the benefit therefrom, and the loss thus occasioned is passed on to the producer of crude by the fixing of a low price for crude oil.

Again the argument is made that as long as exports are more than imports there should be no tariff imposed upon oil. At the present rate of imports these conditions will not long prevail, but nevertheless let us see if this argument is sound under the present state of affairs. We find that in 1928 the exports of oil from California were 41,000,000 barrels. While there were no imports to the Pacific coast, that during the same year the exports from the United States to Canada, which can be considered as part of our legitimate market, were 22,200,000 barrels, or a total in the two items of exports of 63,200,000 barrels. The total exports from the United States in 1928 were 146,126,000 barrels. Deduct therefrom the exports from California and to Canada and you have a total of 82,926,000 barrels exported from the Gulf and Atlantic ports, while at the same time there were imported into the country at Gulf and Atlantic ports 91,474,000 barrels, or a total of 8,548,000 barrels more imports than exports. We are answering this false argument only for the purposes of showing that even were it a good argument it is based upon a false reckoning, because practically every article on the tariff list is exported to a greater extent than it is imported. Take for example steel products: Exports in 1928 were in excess of $500,000,000, while imports were about $18,000,000; and still we have a high-protective tariff on steel products, and the oil producers of the United States are compelled, under existing conditions, to pay an added price by reason of such protective tariff on all their oil-well supplies.

We believe that the domestic market for crude and refined oil should be reserved for American producers and refiners. There is no argument which can be made against a tariff on oil that can not be made with equal force against a tariff on anything else. Conversely, it is true that every argument and every reason for the imposition of a tariff on any material or article on the tariff list applies with equal force and reason to a tariff on oil. We have been told that a tariff on oil can not be obtained because it is a vital necessity to the entire population of the United States. Still we have a tariff on wheat, beef, and many other articles of like importance, and what is more vitally necessary to the people than bread and meat?

We would call attention to the fact that the condition with which we are now confronted is not of a temporary nature; that exploitation work is being carried on by the companies now importing oil into the United States almost throughout the entire length and breadth of South America; that the reserves of petroleum thus far discovered and already tested and partially developed are of such magnitude as to make it certain that the present situation will be continued for an indefinite number of years to come; that, in fact, the vast domain from the Caribbean Sea to the southernmost tip of South America on the east side of the Andes Mountains contains reserves of petroleum sufficient to monopolize the entire market of the United States, so that if it is the purpose of those supporting the present so-called conservation plan, which apparently has for its purpose the reserving of the oil deposits of the United States for use after exhausting the supplies of foreign oil, the oil industry in the United States, through this conservation and curtailment program is doomed to complete demoralization.

CALL OF THE ROLL

Mr. WAGNER obtained the floor.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Bratton	Cutting	Glenn
Ashurst	Brock	Dale	Goff
Baird	Brookhart	Deneen	Goldsborough
Barkley	Broussard	Dill	Greene
Bingham	Capper	Fess	Grundy
Black	Caraway	Fletcher	Hale
Blaine	Connally	George	Harris
Blease	Copeland	Gillett	Harrison
Borah	Couzens	Glass	Hatfield
Hawes	McMaster	Robinson, Ind.	Swanson
Hebert	McNary	Robsion, Ky.	Thomas, Idaho
Heflin	Metcalf	Schall	Thomas, Okla.
Howell	Norbeck	Sheppard	Townsend
Johnson	Norris	Shortridge	Trammell
Jones	Nye	Simmons	Tydings
Kean	Oddie	Smith	Vandenberg
Kendrick	Overman	Smoot	Wagner
Keyes	Patterson	Stock	Walsh, Mass.
La Follette	Phipps	Steiwer	Walsh, Mont.
McCulloch	Pine	Stephens	Watson
McKellar	Ransdell	Sullivan	Wheeler

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is necessarily detained from the Senate on account of illness in his family. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the Naval Arms Conference meeting in London, England. Let this announcement stand for the day.

I also wish to announce that the senior Senator from Nevada [Mr. PITTMAN] and the junior Senator from Arizona [Mr. HAYDEN] are necessarily absent from the Senate attending a conference in the West relating to the diversion of the waters of the Colorado River. I wish this announcement to stand for the day.

I also desire to announce that the Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

COMMENTS ON REPORT OF LAW ENFORCEMENT COMMISSION

Mr. WAGNER. Mr. President, I rise to speak of the proposals contained in the report of the Law Enforcement Commission. I am impressed with the necessity of opening the discussion of the recommendations of the commission at this time when general attention is focused upon them and before the public has come to the unwarranted conclusion that because the membership of the commission is very highly regarded its suggestions must be accepted without question.

One of the most amazing aspects of the long and bitter controversy over prohibition has been the abysmal confusion which has prevailed concerning it in the very highest places. The prolonged discussion has not dissipated the mental chaos. The frequent debate has apparently not yet refined the issue. Several days ago we were treated to the paradox of a fervent prohibitionist pleading the right to manufacture in the home and an ardent antiprohibitionist calling for the arrest of every drinker.

Mr. President, after 10 years has not the time yet come when it were best that the discussion of prohibition were lifted above this confusion and above petty tale bearing and anonymous-letter reading? Can we not at least here in the National Legislature realize that we are not concerned with liquor but with government, with a problem of social control complex beyond measure?

In his speech of acceptance President Hoover announced to the country that he regarded prohibition as an experiment which must be worked out constructively, and he further said:

> Common sense compels us to realize that grave abuses have occurred—abuses which must be remedied. An organized, searching investigation of fact and causes can alone determine the wise methods of correcting them.

This announcement was the first formal declaration of the contemplated Law Enforcement Commission. Great hopes were aroused by that announcement. His leading Republican advocate in the East, the New York Herald Tribune, on August 12, 1928, said editorially:

> The best hope, in fact, the only hope, of modifying the present situation lies in such an approach as Mr. Hoover suggests, through an impartial investigation that will convert the overwhelming mass of the voters, including the fair-minded drys, to a recognition of the necessity for a reform.

In each succeeding speech, however, the problem of the abuses of prohibition shrank in Mr. Hoover's estimation. In his inaugural address the investigation of prohibition was diluted with an inquiry into the whole structure of Federal jurisprudence. Before the Associated Press prohibition became "but one segment of our problem." Finally, the commission met and on May 28, 1929, the President addressed it relative to its duties. He did not even mention prohibition. He did not refer to the experiment. He forgot the abuses under the eighteenth amendment.

Such has been the life history of this idea. It started out rich in hopes but ended in sad neglect.

And now the report of the commission has arrived. It has been before the country since the 13th of January. The President has transmitted it to Congress with the statement that its proposals will cure many abuses of prohibition. In view of this language, I believe it is not unfair to test the proposals recommended in the light of the hopes which he aroused when, back in 1928, as a candidate and not as a President, he promised the American people an organized and searching investigation of fact and causes to correct the grave abuses of prohibition.

What abuses did the American people have in mind when they heard Mr. Hoover use that word? Did they have in mind a little crowding in the court rooms? Did they have in mind that the prohibition agents had trouble in finding the laws relative to prohibition? Did they have in mind a little lost motion between the Departments of Treasury and Justice? Are these the grave abuses which worried the people of the United States? No, Mr. President; they were far graver, far more serious than these. When we heard the words "grave abuses" we thought of the killing and the maiming of our citizens by armed enforcement officers under circumstances which in many instances can be described only as deliberate bloodshed. The people of New York remember Jacob Hanson; the people of Minnesota have not forgotten Henry Wirkula. We thought of the violation by the Government of the constitutional guaranties against unlawful search and seizure and the violation of the sanctity and privacy of the homes of our citizens. We had in mind what Mr. Justice Holmes called "the dirty business of wire tapping."

The abuses we considered included the corruption and bribery of enforcement officials and the demoralizing hypocrisy of both officeholders and citizens in reference to this law. We were concerned with the rise of a new and powerful criminal class—the rum runner, the bootlegger, the hijacker. We were concerned with the substitution of the speak-easy for the saloon. Perhaps the most serious evil which held the attention of the sane element of the community was the steadily rising tide of intemperance reflected in the reports of a sixfold multiplication over 1920 of the number of the persons dying from alcoholism; reflected in the rising curve of arrests for drunkenness; reflected in the reports of the increase in the production of corn sugar from 157,000,000 pounds in 1919 to 904,000,000 pounds in 1927; reflected in the reports of the increase in the production of grapes from 3,962,000,000 pounds in 1922 to 5,342,000,000 pounds in 1928. We were concerned with the obvious failure of this law to find a place in the popular conscience. These were some of the abuses that we thought the President would have his commission investigate. Instead—I hesitate to say it—the mountain has labored and brought forth a mouse, and a tiny one at that. The grave abuses which the commission has investigated and discovered are that there is some lost motion in having cases prepared by one department and prosecuted by another; that it is difficult for a prohibition agent to look up a legal point quickly "in the crisis of action," because the laws relating to prohibition are spread over many statutes; and that there is congestion in the courts.

I pass over, Mr. President, the rather unimportant proposals relative to departmental organization and codification, and I address myself to the principal suggestion made by the commission in its report.

The major proposal of the commission is concerned with the trial of persons accused of violating the prohibition laws. The steps involved in its plan are the following:

First. Certain offenses against the prohibition law are defined as casual or slight.

Second. In these offenses the district attorney may dispense with the grand jury and proceed against the alleged offender by information or complaint.

Third. When the district attorney proceeds by information or complaint, the trial of the accused is to be had before a United States commissioner, and the penalty is limited to six months in jail without hard labor or a fine of $500, or both.

Fourth. The trial is to be without a jury.

Fifth. If the accused is found guilty by the commissioner, he may then demand trial by jury in a district court.

Sixth. If he makes such a demand, the district attorney may proceed to have him accused by the grand jury of a felony.

This plan, Mr. President, will bear analysis, and the key to that analysis lies in a simple question: Who decides whether the offense committed is a felony or only a petty misdemeanor? The law does not define it. The proposed definition does not settle it. The district attorney alone decides that question. He determines whether the 5-year or the 6-month penalty shall apply. His decision is made after the offense has been committed. Until that decision is made it is a felony.

It is a felony for purposes of section 146 of the Criminal Code, which makes one who does not disclose to the authorities knowledge of the commission of a felony punishable by imprisonment for three years or a fine of $500, or both. It presumably is a felony for purposes of section 332 of the Criminal Code, which punishes as a felon one who counsels or induces the commission of a felony. When, if ever, is it stripped of its felonious character? When does it become a petty offense? When the district attorney so decides. This is the only meaning that can be derived from the language of the proposal which has since been incorporated in House bill 8913. It reads:

> In case of casual or slight violations, as hereinbefore defined, the district attorney *may* prosecute upon complaint or information, and in such cases, *when so prosecuted*, the penalty for each offense shall be a fine of not to exceed $500 or confinement in jail, without hard labor, not to exceed six months or both.

Here, then, is a new idea in criminal jurisprudence. Away with the old-fashioned concept that crimes should be precisely defined by statute. If Congress shall enact this proposal into law there will have been erected a new class of crimes undefined, inchoate, of uncertain gravity, of unknown penalty until such good time in each individual case as the district attorney decides.

Suppose now that the district attorney has made his decision, has dispensed with the grand jury, and by that act turned the offense into a petty one; is he bound by his decision? He is not. Should the accused, after conviction by the commissioner, demand a trial by jury the district attorney may change his mind about the pettiness of the offense and proceed to have him indicted by the grand jury for a felony upon exactly the same state of facts.

Again, what is it which transmutes this petty offense back into a felony? Nothing but the will or whim of the district attorney. This is not justice in a government of laws; this is government by men in the most objectionable sense of the term.

The purpose of this power in the hands of the district attorney is, of course, very transparent. Its purpose is to club the accused into acquiescence in the denial of a jury. But what a lovely transaction this is for the United States!

This brings us to the question of the constitutionality of the proposed trial without jury. The report of the commission teems with the citation of authorities in support of the proposition that petty offenses may be punished without the intervention of a grand jury and without the verdict of a petit jury. But where, Mr. President, is the authority, where the precedent for the novel doctrine that the same offenses may be both petty and grave, at once misdemeanor and felony, and that such crimes may be punished without trial by jury?

The commission proceeds upon the theory that there is a mechanical yardstick which measures the gravity of an offense for purposes of the constitutional requirement of jury trial. It finds that measure in the penalty imposed. But this view is not supported by the judicial decisions. "Moral blameworthiness" is a part of the measure, says the circuit court of appeals in the case of Coates *v.* United States (290 Fed. 134). "Moral delinquency" is one of the elements of the yardstick, according to the United States Supreme Court in Schick *v.* United States (195 U. S. 65). In the learned article by Professor Frankfurter and Mr. Corcoran, published in Thirty-ninth Harvard Law Review, which is cited by the commission, the following conclusion is reached on this point with respect to the practice at the time the Constitution was adopted:

> Broadly speaking, acts were dealt with summarily which did not offend too deeply the moral purposes of the community, which were not too close to society's danger, and were stigmatized by punishment relatively light.

The extent of the penalty is the third and last element in the determination whether the offense charged is petty or grave. Even the very offenses defined as casual or slight by the commission may be punished by five years' imprisonment and $10,000 fine if the district attorney so chooses. Is such punishment relatively light? And, what is more important, will those Senators whose position on prohibition is such that they are inclined to vote in favor of these proposals admit that a violation of the prohibition law does not "offend the moral purposes of the community"? Will they approve the view that such violation is not "close to society's danger"; that it is not "blameworthy"? Upon no other theory can they even partially avoid the fatal constitutional defects of this legislation.

These are by no means the only constitutional obstacles to the program of the commission. Let us examine the proposal that the trial be had before a United States commissioner. The Law Enforcement Commission is, of course, fully aware of the constitutional provision which reads:

The judicial power of the United States shall be vested in one supreme court and such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and the inferior courts shall hold their offices during good behavior, and shall at stated times receive for their services a compensation. * * *

The commissioner's court has never been ordained or established by Congress. Commissioners do not hold office during good behavior. How then can they exercise judicial power?

It is important—

says the Wickersham report—

as shown by Callan *v.* Wilson, that the United States commissioner should not hold a separate court.

If he is regarded as holding a separate court, then the whole procedure is unconstitutional. In effect the Law Enforcement Commission says we can surmount this constitutional obstacle by indulging in a legal fiction. Let us pretend, says the commission, that the trial is in the district court, that the power is vested in the district court, that it is only being exercised by the commissioner for the district court.

What is the fact under the plan as proposed? The accused pleads before the commissioner. He is tried before the commissioner. The testimony is taken by the commissioner. He is the judge of the veracity of the witnesses. The accused is found guilty or not guilty by the commissioner. Yet, the Wickersham report would have us believe that this trial is in the district court. Why, Mr. President, in the draft of the bill proposed by the commission there is nothing to indicate that the accused will ever even see a district judge or a Federal court. The language is:

A judge of the court *on examination of the report and finding,* may render judgment of conviction or acquittal, as the case may be, and in case of conviction, impose sentence.

In the Callan case, which has been referred to before, it was held that where the accused was entitled to a jury trial "he has a right to enjoy that mode of trial from the first moment, and in whatever court he is put on trial for the offense charged. In such cases a judgment of conviction not based on the verdict of a jury is void. To accord to the accused a right to be tried by jury in an appellate court, after he has been once fully tried otherwise than by a jury in a court of criminal jurisdiction, and sentenced to pay a fine or to be imprisoned for not paying it does not satisfy the requirements of the Constitution."

The proposed plan is sharply in conflict with the spirit of this decision.

If we accept the proposition of the commission that the United States commissioner is not a judge and that his tribunal is not a court, then we find ourselves in a strange situation where a citizen of the United States is deprived of his liberty and his property by a proceeding not conducted by a court, before an officer who is not a judge, and without the benefit of jury. Have we not wandered rather far from the constitutional concept of "due process of law"?

So far little or nothing has been said concerning these commissioners who may have it in their power, if this legislation passes, to send 80,000 persons a year to jail. What manner of men are they? What are their qualifications to exercise this tremendous power over the liberties of our citizens? In the old revised statutes before the district courts were organized, there was a provision—section 627—whereby each circuit court could appoint "so many discreet persons" as it deemed necessary to be commissioners.

In the present-day code the word "discreet" has been omitted—page 919, United States Code, section 526. Also certain persons have been disqualified from holding the office. For instance, under section 527 of title 28 of the United States Code no "janitor of any Government building" may be a United States commissioner. These are practically all the qualifications of a commissioner. Under the proposed bill he will receive $1 for every plea of "guilty" reported and $5 for every plea of "not guilty" reported. That is commentary enough.

And now, let us return to the question of trial by jury. Mr. President, if there were no Constitution guaranteeing every American certain liberties, including the trial by jury, if the right to trial by judge and jury were not a universal American right but a rare privilege, I would nevertheless maintain that that mode of trial and no other mode of trial be used in the enforcement of the prohibition law. The reasons must be obvious: Because it is a law concerning which opinions differ, because it is a law the violation of which is differently regarded in our widely scattered communities, because concededly the law has not captured the universal allegiance of the law-abiding citizens—because of these reasons the jury and judge should be interposed between the accused offender and the loss of his liberty. After all, economy and efficiency in sending people to jail are not the only objectives of democratic government. The very same reasons which prompted our ancestors to assert and reassert their right to trial by jury at every critical period in the history of their Government are to-day equally cogent and equally compelling that the trial by jury shall not be denied in the enforcement of prohibition.

But this is neither a new right nor a novel privilege. It is an ancient and inalienable right, stubbornly fought for and acquired, jealously maintained and guarded, handed down to us in an enduring instrument, which we have all sworn to defend, as perfect, as unalloyed, as unbroken as it was received by the fathers of the Republic. Time and again there were officials who were impatient with the slow and cumbersome methods of the democratic jury. They tried to dispense with it in the District of Columbia, but the Supreme Court stayed their hand. They tried to deny it to the residents of Alaska, but again the Supreme Court forbade it. At a time of great national danger, when the very existence of the Union was in the balance, the Supreme Court, nevertheless, insisted that the refuge and the shelter of the jury should be stretched even over him who plotted the destruction of the Government.

It is time now in a penitent mood to recall some of the passages of those great opinions to the present administration which is apparently impatient with democratic forms, which places speed ahead of justice, whether it be in taxing the people through a flexible tariff or in punishing them for alleged offenses.

In the great case of Ex parte Milligan (4 Wall. 2, 123) the United States Supreme Court said:

Until recently no one ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is now assailed; but if ideas can be expressed in words and language has any meaning, this right—one of the most valuable in a free country—is preserved to everyone accused of crime who is not attached to the Army or Navy or militia in actual service.

* * * * * * *

This privilege is a vital principle underlying the whole administration of criminal justice; it is not held by sufferance and can not be frittered away on any plea of state or political necessity.

Yet this report would have us fritter it away because of an alleged congestion in the courts.

The jury mirrors the conscience of the community where the accused resides, and it is in the light of that conscience and measured by the moral standards thus erected that alone one may be judged in a democracy. And surely so in a federal democracy. The jury was of sufficient importance to be mentioned in the Declaration of Independence. The jury was of sufficient significance to be embodied in the original Constitution. The jury meant enough to the founders of this Government to have the right thereto reasserted in the bill of rights. Our predecessors had the courage to nurse it and nurture it through every national emergency. Are we, now that we have grown rich and powerful, going to surrender that precious heritage?

I declare, Mr. President, that the right to a jury was in the Constitution long before prohibition was there and I prophesy that it will continue there unmodified long after present-day prohibition will have been changed.

SUMMARY

To summarize: I have 10 specific objections to the legislation proposed by the law enforcement commission:

First. It sets up a new and unheard-of category of crime which is both felony and misdemeanor at one and the same time.

Second. It confers upon a district attorney the power to choose in each case after the offense has been committed whether to regard it as a petty misdemeanor or a grave felony.

Third. It confers upon a district attorney the power in each case when a jury is demanded, after conviction for a petty misdemeanor, to change the nature of the offense and to proceed to accuse the prisoner of a felony.

Fourth. The proposal is constitutionally defective because there is no authority and no precedent for the proposition that the jury may be denied to one who is accused of an offense which may be either a felony or a petty misdemeanor, as the district attorney decides.

Fifth. The violation of the prohibition law is not a petty offense as the term is used in the statutes and decisions. It is not true that the measure of penalty alone determines whether an offense is petty or grave.

Sixth. Trial before a commissioner is in fact, if not in legal fiction, a trial before a separate unordained court, in violation of Article III of the Constitution and in violation of the law as interpreted by the United States Supreme Court in Callan against Wilson.

Seventh. If the commissioner's court is not a court and the commissioner is not a judge, then the accused is deprived of his liberty by trial without court, judge, or jury. That is not "due process of law" guaranteed by the Constitution.

Eighth. The power of the district attorney to reconvert the identical offense from a misdemeanor into a felony should the accused insist on trial by jury is a power dangerous in fact and reprehensible in principle.

Ninth. The commissioner is not an official of sufficient responsibility to be given the power proposed in this legislation.

Tenth. Violations of the prohibition law are peculiarly offenses which ought to be tried by a jury.

Mr. President, if the President was in earnest when he called prohibition an experiment, if the President was in earnest when he promised a thorough and searching investigation into the abuses of prohibition, if he was in earnest when he said in his letter to Mr. Thompson that the discovery and propagation of truth was the supreme obligation of public action, if in these expressions he was not only talking the language of liberalism but actually intended to practice it, then he can find no fault with the resolution which I have submitted. By the terms of that resolution I want the investigative work of the commission redirected into important channels, to uncover the real abuses of prohibition, and to propose remedies for their correction. Particularly we want the commission to report upon the suitability of existing prohibition laws for the promotion of temperance and the advisability of amending the prohibition laws to the end that we may have greater voluntary observance of the law and be spared the necessity of denying to those accused of violating it the due process of law guaranteed by the Constitution.

Such an inquiry, Mr. President, presupposes the premise that the investigators realize that the prohibition law is in a class by itself. We must, if we are to treat this problem realistically, recognize the difference between laws which are universally approved, except by the criminal fringe of society, and laws which are violated and disregarded by large numbers of otherwise law-abiding citizens without any compunctions of conscience.

If I may take the liberty, I should like to repeat what I said in a commencement address last year when the commission was first organized:

> In actual practice the law is not a series of precise commandments but a living tissue of uncertain content which changes from day to day. It may be well enough to advise officials that they must not elect what laws they will enforce and what laws they will overlook, but we must recognize that it is not the officials alone who make these decisions. When a law dies before it is repealed, its death sentence is signed by the whole community. Prosecuting officials, juries, judges are all human beings influenced by the attitude of the people in whose midst they live. If the violation of the law fails to evoke public disapproval, there is hesitation on the part of the grand jury to indict, hesitation on the part of the petit jury to convict, hesitation on the part of the judge to punish. When such becomes the state of affairs it is not very long before the law is a dead letter, because it failed to correspond with the conscience of the people it was intended to govern.

So far the commission has apparently attempted to cure the difficulties of prohibition not by looking to the law itself but by eliminating as far as possible the human agencies necessary in the enforcement of the law. With all due respect, Mr. President, I say the commission is on the wrong track.

The report that has thus far been submitted has been exceedingly disappointing, but as an incorrigible optimist I am still hopeful. I can not bring myself to believe that the men and women who constitute that commission will be satisfied merely with tinkering with the enforcement machinery. Once they decide to contribute something of substance to the solution of this problem and discharge the obligation they publicly undertook, they can not proceed without answering the questions set forth in the resolution. I shall, therefore, ask that it be indefinitely postponed, and trust in the good faith of the commission that its terms will be carried out.

Mr. President, the solution of this problem of government will not come from those who are bigoted in their obstinacy. Neither will it be contributed by those who regard the days before prohibition as the ideal to which we should return. A new liberalism must be formulated and fostered by those who acknowledging the evils of the old system refuse to go back, and recognizing the evils of the present system insist on going forward.

Mr. BLAINE. Mr. President, I ask unanimous consent to have printed in the RECORD the opinion of the Court of Appeals of the District of Columbia in the case of William H. Colts against District of Columbia, in which decision the court passes on the question of the right of trial by jury, so ably discussed by the junior Senator from New York.

Mr. BORAH. Mr. President, reserving the right to object, I desire to ask the Senator a question. Is this the decision of the District Court of Appeals in which they held that under authority of Congress a defendant might waive the right of trial by jury even in a felony case?

Mr. BLAINE. That is not my understanding. The opinion was rendered on the 4th day of February, 1930, in the case of William H. Colts against the District of Columbia.

Mr. BORAH. That is not the case which I had in mind. I have no objection.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The opinion is as follows:

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

WILLIAM H. COLTS, PLAINTIFF IN ERROR, *v.* DISTRICT OF COLUMBIA. NO. 5050

Before Martin, chief justice, and Robb and Van Orsdel, associate justices.

Writ of error to the police court involving the question whether one charged with reckless driving on a city street is entitled to a jury trial.

In an information, it was charged that Colts, on the 19th of July, 1929, "on O Street SE., and on divers other streets," in the District of Columbia, "did then and there operate a certain motor vehicle at a greater rate of speed than 22 miles an hour over said public highway recklessly; that is to say, at a greater rate of speed than was reasonable and proper, having regard to the width of said public highway, the use thereof, and the traffic thereon, in such manner and condition so as to endanger property and individuals, contrary to and in violation of an act of Congress, the traffic regulations in such case made and provided, and constituting a law of the District of Columbia."

He requested a trial by jury, which was denied. A trial before the court resulted in his conviction and sentence to 30 days' imprisonment.

Section 9 of the District of Columbia traffic act of March 3, 1925; 43 Statutes 1119, 1123, as amended by section 5 of the act of July 3, 1926; 44 Statutes 812, 814, under the heading "Speeding and reckless driving," provides:

"(a) No vehicle shall be operated upon any public highway in the District at a speed greater than 22 miles per hour, except in such outlying districts and upon such highways as the directors may designate. * * *

"(b) No individual shall operate a motor vehicle over any public highway in the District (1) recklessly; or (2) at a rate of speed greater than is reasonable and proper, having regard to the width of the public highway, the use thereof, and the traffic thereon; or (3) so as to endanger any property or individual; or (4) so as unnecessarily or unreasonably to damage the public highway.

"(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall, upon conviction for the first offense, be fined not less than $25 nor more than $100 or imprisoned not less than 10 days nor more than 30 days; and upon conviction for the second or any subsequent offense such individual shall be fined not less than $100 nor more than $1,000, and shall be imprisoned not less than 30 days nor more than 1 year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

"(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall, upon conviction for the first offense, be fined not less than $5 nor more than $25; upon conviction for the second offense, such individual shall be fined not less than $25 nor more than $100; upon conviction for the third offense or any subsequent offense such individual shall be fined not less than $100 nor more than $500, and shall be imprisoned not less than 30 days nor more than 1 year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual."

Section 1 of the Code of Laws for the District of Columbia continues in force here "The common law, all British statutes in force in Maryland on the 27th day of February, 1801, * * * except in so far as the same are inconsistent with, or are replaced by, some provision of this code."

It is the contention of counsel for the District that the offense charged against Colts "was not the common law offense of reckless

driving and that therefore his trial without a jury was authorized under section 44 of the District of Columbia Code as amended by section 4 of the traffic act of March 3, 1925 (43 Stats. 1119)." That section, as amended, reads as follows:

"That prosecutions in the police court shall be on information by the proper prosecuting officer. In all prosecutions within the jurisdiction of said court in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury unless the accused shall in open court expressly waive such trial by jury and request to be tried by the judge, in which case the trial shall be by such judge, * * *.

"In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than $300, or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial shall be by jury. * * *."

It was an indictable offense at common law amounting to a breach of the peace to drive "a carriage over a crowded or populous street at such a rate or in such a manner as to endanger the safety of the inhabitants." United States *v.* Hart (1 Pet. C. C. 390, 392); Bowles *v.* District of Columbia, (22 App. D. C. 321, 323). The opinion in the Hart case was written by Mr. Justice Washington.

The information in the present case charged Colts with operating a motor vehicle on one of the public streets of the District "recklessly * * * in such manner and condition so as to endanger property and individuals." He was, therefore, charged with an offense indictable at common law and amounting to a breach of the peace.

The third article of the Constitution provides that "the trial of all crimes, except in cases of impeachment, shall be by jury." It becomes necessary to determine whether the offense charged in this case is a "crime" within the meaning of the Constitution.

In Callan *v.* Wilson (127 U. S. 540, 557) the court said: "The third article of the Constitution provides for a jury in the trial of 'all crimes, except in cases of impeachment.' The word 'crime' in its more extended sense comprehends every violation of public law; in a limited sense it embraces offenses of a serious or atrocious character.

"In our opinion, the provision is to be interpreted in the light of the principles which, at common law, determined whether the accused, in a given class of cases, was entitled to be tried by a jury. It is not to be construed as relating only to felonies, or offenses punishable by confinement in the penitentiary. It embraces as well some classes of misdemeanors, the punishment of which involves or may involve the deprivation of the liberty of the citizen." After a review of authorities, the court continues: "Without further reference to the authorities, and conceding that there is a class of petty or minor offenses, not usually embraced in public criminal statutes, and not of the class or grade triable at common law by a jury, and which, if committed in this district, may, under the authority of Congress, be tried by the court and without a jury, we are of opinion that the offense with which the appellant is charged does not belong to that class. A conspiracy such as is charged against him and his codefendants is by no means a petty or trivial offense. * * * Except in that class or grade of offenses called petty offenses, which, according to the common law, may be proceeded against summarily in any tribunal legally constituted for that purpose, the guarantee of an impartial jury to the accused in a criminal prosecution, conducted either in the name, or by or under the authority of, the United States, secures to him the right to enjoy that mode of trial from the first moment, and in whatever court, he is put on trial for the offense charged."

In Schick *v.* the United States (195 U. S. 65), Schick had been proceeded against by information to recover a penalty of $50 for knowingly purchasing or receiving for sale oleomargarine which had not been branded or stamped according to law. The question considered by the court, although not raised by Schick, was whether the waiver of a jury at the trial of the case was in conflict with the laws and Constitution of the United States. The court held that it was not, saying: "It will be noticed that the section characterizes the act prohibited as an offense, and subjects the party to a penalty of $50. So small a penalty for violating a revenue statute indicates only a petty offense. *It is not one necessarily involving any moral delinquency.* [Italics ours.]

"The violation may have been the result of ignorance or thoughtlessness, and must be classed with such illegal acts as acting as an auctioneer or peddler without a license or making a deed without affixing the proper stamp. That by other sections of this statute more serious offenses are described and more grave punishments provided does not lift this one to the dignity of a crime. Not infrequently a single statute in its several sections provides for offenses of different grades, subject to different punishments and to prosecution in different ways. * * * This very statute furnishes an illustration. By one clause the knowingly selling of adulterated butter in any other than the prescribed form subjects the party convicted thereof to a fine of not more than $1,000 and imprisonment for not more than two years. An officer of customs violating certain provisions of the act is declared guilty of a misdemeanor and subject to a fine of not less than $1,000 nor more than $5,000 and imprisonment for not less than six months nor more than three years. Obviously these violations of certain provisions of the statute must be classed among serious criminal offenses, and can be prosecuted only by indictment, while the violations of the statute in the cases before us were prosecuted by information. *The truth is, the nature of the offense and the amount of punishment prescribed rather than its place in the statutes determine whether it is to be classed among serious or petty offenses, whether among crimes or misdemeanors.* [Italics ours.] Clearly both indicate that this particular violation of the statute is only a petty offense."

It thus appears that in the Callan case it was ruled that the constitutional provision for trial by jury "is to be interpreted in the light of the principles which at common law determined whether the accused in a given class of cases was entitled to a trial by jury"; that there is a class or grade of minor offenses not triable at common law by jury that may be proceeded against summarily in any tribunal legally constituted for that purpose. In the Schick case it was pointed out that a penalty of $50 for violating a revenue statute "indicates only a petty offense," and that "it is not one necessarily involving any moral delinquency." The real test as to the grade of the offense, the court ruled, is "the nature of the offense and the amount of punishment prescribed."

The offense charged against Colts was not triable summarily at common law, being indictable. Blackstone 4 Com. 280, 281; State *v.* Glenn, 54 Md. 572, 600, where it was said that it has been a constant course of legislation in England "for centuries past, to confer summary jurisdiction upon justices of the peace for the trial and conviction of parties for minor and statutory police offenses."

That the common law offense of reckless driving is a crime within the constitutional provision for a trial by jury is, we think, plain. Has the inherent character of that offense been changed by the statutory provision reducing the penalty for a first offense to a fine of not more than $100 or imprisonment of not more than 30 days? We think not. This offense being malum in se necessarily involves moral delinquency. It would be so "adjudged by the sense of a civilized community, whereas an act malum prohibitum is wrong only because made so by statute." (State *v.* Horton, 139 N. C. 588, 592.) One convicted of driving a vehicle in a crowed street so recklessly as to endanger human life would merit and receive the lasting condemnation of all right-thinking people, and thus suffer greater punishment than that prescribed by law, if by statute the grade of this serious common-law crime can be changed to a petty offense, then it necessarily follows, we think, that in the same way the grade of the crime of murder, or any other crime, could be changed to a petty misdemeanor. The inevitable result would be the nullification of the constitutional guaranty of trial by jury.

It would be an anomalous situation indeed if in a civil suit against Colts in the District of Columbia involving more than $20 he could demand a jury trial as of right (seventh amendment) and yet could be deprived of that privilege in a prosecution for a common-law offense involving his reputation and liberty.

We repeat, it is the inherent nature or character of the offense, as well as the punishment prescribed, that should determine its class or grade, that is, whether it is a crime in the constitutional sense or a petty offense. The traffic act under consideration furnishes an apt illustration. The provision that no vehicle shall be operated at a greater rate of speed than 22 miles per hour, except in outlying districts, etc., defines a mere police offense—a creation of the statute. (United States *v.* Cella, 37 App. D. C. 433, 435.) A violation of that provision would not necessarily involve any moral delinquency. That this was recognized by Congress is apparent from the fact that the penalty for a first offense was fixed at a fine of not less than $5 nor more than $25. Clearly, violation of such a statute must be classed as a petty offense subject to summary prosecution before a court without a jury.

In answer to the suggestion that it would be more convenient to try all cases involving traffic-law violations before a court without a jury we quote the prophetic words of Blackstone when referring to summary proceedings authorized by acts of Parliament, as follows:

"And however convenient these may appear at first (as doubtless all arbitrary powers, well executed, are the most convenient) yet let it be again remembered that delays and little inconveniences in the forms of justice are the price that all free nations must pay for their liberty in more substantial matters; that these inroads upon this sacred bulwark of the nation are fundamentally opposite to the spirit of our constitution; and that though begun in trifles, the precedent may gradually increase and spread, to the utter disuse of juries in questions of the most momentous concern." (Bk. 4, c. 27, 350.)

Inasmuch as the punishment in the instant case is not infamous (U. S. *v.* Moreland, 258 U. S. 433), and a trial by jury may now be had in the police court (43 Stat. 1119), the judgment will be reversed with costs, and the cause remanded for a new trial.

Reversed.

CHAS. H. ROBB, *Associate Justice.*

(Indorsed: No. 5050. William H. Colts, plaintiff in error, *v.* District of Columbia. Opinion of the court per Mr. Justice Robb. Court of Appeals, District of Columbia. Filed February 4, 1930. Henry W. Hodges, clerk.)

A true copy.

Test: HENRY W. HODGES,

Clerk of the Court of Appeals of the District of Columbia.

CONTROL OF PINK BOLLWORM

During the delivery of Mr. WAGNER's speech—

Mr. McNARY. Mr. President, will the Senator yield for just a moment?

Mr. WAGNER. I yield.

Mr. McNARY. From the Committee on Agriculture and Forestry, I desire to report back favorably a joint resolution passed by the House, H. J. Res. 232, to amend the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928. I invite the attention of the Senator from Arizona [Mr. ASHURST] to this matter.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. McNARY. Mr. President, I am advised by the distinguished Senator from California [Mr. JOHNSON] that when I was absent the Senator from Washington [Mr. JONES] this morning secured the passage of an appropriation of money for this specific purpose.

Mr. ASHURST. The appropriation made this morning under the joint resolution reported from the Committee on Appropriations was for the clean-up money. This is for the compensation and is a separate and distinct item.

Mr. McNARY. Very well, Mr. President. If I may, through the extension of the courtesy of the Senator from New York, I will ask unanimous consent for the immediate consideration of this joint resolution, because the House has passed a bill authorizing the appropriation of $2,500,000 to eradicate an acute infestation of the pink bollworm in certain portions of Arizona. I think the matter will not lead to debate. If I thought it would, I would not make the request.

The VICE PRESIDENT. Does the Senator from New York yield for that purpose?

Mr. WAGNER. What is the request?

Mr. McNARY. I ask for the immediate consideration of the joint resolution.

Mr. ASHURST. It will not lead to debate.

Mr. WAGNER. I yield.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 232) to amend the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928, which was read as follows:

Resolved, etc., That joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928 (45 Stats. 688), is amended to read as follows:

"That when any State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested, or threatened, by such pests, the said Secretary, under regulations to be prescribed by him, is authorized to pay, out of $2,500,000 hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with the proper authorities of the State concerned in compensating any farmer for his actual and necessary loss due to the enforced nonproduction of cotton within said zones: *Provided*, That no part of the funds herein authorized to be appropriated shall be available for compensation in connection with the establishment of a noncotton zone in any county unless and until the live pink bollworm is found within such county or within a radius of 5 miles thereof: *Provided further*, That such loss as to noncotton zones established by the State of Texas shall be determined as provided for in existing statutes of that State, and similarly by similar statutes which may later be provided by other States concerned, and that in estimating such loss due account shall be taken of the value of other crops which may be produced on said land, so that the loss shall not exceed the difference in return to the farmer from cotton over such other crops: *Provided further*, That such determination of actual and necessary loss shall be subject to the review and approval of the Secretary of Agriculture: *And provided further*, That no reimbursement shall be made with respect to any farmer who has not complied in good faith with all of the quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm: *And provided further*, That when a State through action of its legislature or through action of individuals, associations, and/or corporations shall have made guarantees satisfactory to the Secretary of Agriculture that there shall be repaid into the Treasury of the United States one-half of the appropriation for compensation for the crop of 1930, then on the basis of a determination by the Secretary of Agriculture of the actual and necessary losses incident to the enforcement of noncotton zones the appropriation herein authorized shall be available only for compensation for the crop of 1930 unless the State in which any noncotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ASHURST. I sincerely thank the able Senator from New York [Mr. WAGNER] and am grateful to him for yielding during a speech so carefully prepared and so well delivered as is the speech of the Senator from New York. His courtesy will not be forgotten.

EXPRESSION OF GOOD WISHES TO PRESIDENT OF MEXICO

Mr. HEFLIN. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The resolution (S. Res. 208) was read as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the attempt to assassinate Hon. Pascual Ortiz Rubio, President of the Republic of Mexico, and that it wishes for him a speedy recovery.

Resolved further, That the Secretary of the Senate, through the Secretary of State, transmit a copy of this resolution to President Rubio.

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

The resolution was considered by unanimous consent, and it was unanimously agreed to.

INVESTIGATION OF PAY OF ARMY AND NAVY PERSONNEL

The VICE PRESIDENT announced the appointment of the following Members of the Senate as members of the joint committee provided for under Senate Joint Resolution No. 7, for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service:

Senator JONES, of Washington; Senator REED, of Pennsylvania; Senator ODDIE, of Nevada; Senator FLETCHER, of Florida; and Senator BROUSSARD, of Louisiana.

EDIZ HOOK LIGHTHOUSE RESERVATION, WASH.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to convey to the city of Port Angeles, Wash., a portion of the Ediz Hook Lighthouse Reservation, Wash., which, with the accompanying paper, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of officers and members of the Italian Citizens Club, being American citizens, of Lawrence, Mass., praying for the imposition of high tariff duties in the pending tariff bill, which was ordered to lie on the table.

Mr. BROUSSARD presented petitions numerously signed by sundry citizens of the State of Louisiana, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. SHEPPARD presented a petition of sundry citizens of Center, Tex., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. COPELAND presented resolutions adopted by the city council of Niagara Falls, N. Y., favoring the passage of legislation to control public utility corporations attempting to substitute the authority of the United States courts for the authority of the State public service commission respecting control

of intrastate matters, and to permit State authorities to control such matters subject to final appeal by interested parties to the United States Supreme Court in case a Federal question is involved, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions numerously signed by sundry citizens of the State of Wisconsin, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

He also presented resolutions adopted by the Woman's Club of Kenosha, the Badger Study Club of Dalton, and the Woman's Club of Superior, branches of the General Federation of Women's Clubs, in the State of Wisconsin, favoring the prompt ratification of the proposed World Court protocol, which were referred to the Committee on Foreign Relations.

He also presented the memorial of the Woman's Christian Temperance Union of the State of Wisconsin, remonstrating against the passage of legislation to modify the Volstead Act so as to allow the manufacture and sale of 4 per cent beer and also any modification of the Jones Act, except to strengthen it, which was referred to the Committee on the Judiciary.

MARSHALL, ARK., POST OFFICE

Mr. CARAWAY. Mr. President, I present three affidavits which I wish to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads. They deal with the post office at Marshall, Ark.

There being no objection, the affidavits were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

AFFIDAVIT

STATE OF ARKANSAS,
County of Searcy, ss:

U. M. Sutterfield, being duly sworn upon oath, deposes and says:

I am secretary of the Republican county central committee of Searcy County and attended the meeting of the committee of March 30, 1929, at which meeting William G. Fendley was indorsed for postmaster at Marshall, Ark.

The vote was taken by ballot. Small slips of paper were cut and distributed to the committeemen. On these they would write the name of the applicant they wanted to vote for, and there were 30 committeemen present in person or by proxy. William G. Fendley got 14 votes on the first ballot and 15 votes on the next four ballots, but on the fifth ballot only 29 votes were cast and Fendley got 15 and Mathews 14. I kept a tally for the committee and I recorded each vote exactly as called by the tellers. I had not the least thought of doing otherwise. The candidates and several of others kept tally also, and they had the same result as my tally.

I always threw the ballots down at the back of the judges table (the committee meeting was in the courthouse) after each ballot, or the tellers would cast them aside, with no thought of doing away with them. There was no demand for these ballots by any applicant. There would not have been any way to have told on which ballot they were used.

U. M. SUTTERFIELD.

Subscribed and sworn to before me this 3d day of February, 1930.
[SEAL.] LONZO CLEMONS, *Notary Public.*
My commission expires August 20, 1933.

AFFIDAVIT

STATE OF ARKANSAS,
County of Searcy ss:

H. G. Treece, being duly sworn on oath, deposes and says:

I am a member of the Republican county central committee of Searcy County and I attended the meeting of the committee on March 30, 1929, and voted for Leonard Mathews as postmaster at Marshall, Ark. Dan Garrison, who also supported Mathews, and I, were appointed as tellers to count the ballots, the vote being taken by ballot. I called the ballots, and I called each ballot exactly as it had been voted.

On the fifth ballot the vote stood: Fendley 15, Mathews 14, as announced by the chairman and secretary, and the chairman, J. C. Evans, who was a supporter of Mathews, declared William G. Fendley indorsed for the appointment.

H. G. TREECE.

Subscribed and sworn to before me this 3d day of February, 1930.
[SEAL.] A. A. HUDSPETH,
Notary Public.
My commission expires July 25, 1931.

AFFIDAVIT

STATE OF ARKANSAS,
County of Searcy, ss:

James M. Tudor, being duly sworn upon oath, testifies as follows:

I am a Baptist minister and editor of the Marshall Republican, and have been a resident of Marshall, Ark., for 15 years.

I was present at the meeting of the Republican county central committee in Marshall on March 30, 1929, which was an open and public meeting. I kept the tally of each ballot taken. William G. Fendley led on every ballot, and after the fourth ballot Nobe Marshall withdrew, and the tally of the ballots cast on the fifth ballot, as called by H. G. Treece, one of the tellers, was, viz, William G. Fendley, 15; Leonard Mathews, 14.

The chairman declared that Fendley was indorsed, and the committee was adjourned.

JAMES H. TUDOR.

Subscribed and sworn to before me this 3d day of February, 1930.
[SEAL.] H. G. TREECE,
Notary Public.
My commission expires January 4, 1931.

REPORTS OF COMMITTEES

Mr. JOHNSON, from the Committee on Commerce, to which were referred the following resolutions, reported them each without amendment:

A resolution (S. Res. 201) requesting a report on the airplane accident at Menefee Field, New Orleans, La., August 23, 1929; and

A resolution (S. Res. 206) requesting the Secretary of Commerce to furnish the Senate certain information respecting aircraft accidents since May 20, 1926.

Mr. JOHNSON also, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3249) to amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen (Rept. No. 155); and

A bill (H. R. 8156) to change the limit of cost for the construction of the Coast Guard Academy (Rept. No. 156).

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 134) authorizing an appropriation for expenses of official delegates of the United States to the Fourth World's Poultry Congress to be held in England in 1930, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 1811) providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska, in cooperation with the Dominion of Canada, reported it with an amendment and submitted a report (No. 157) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment:

A bill (H. R. 2673) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a bridge across the Arkansas River at or near the city of Ozark, Franklin County, Ark.; and

A bill (H. R. 5415) to legalize a bridge across the Choctawhatchee River, between Hartford and Bellwood, Ala.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were ordered to be placed on the Executive Calendar.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, February 6, 1930, that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 2086. An act granting the consent of Congress to the Wabash Railway Co. to construct, maintain, and operate a railroad bridge across the Missouri River at or near St. Charles, Mo.; and

S. J. Res. 98. Joint resolution to grant authority for the erection of a permanent building at the headquarters of the American National Red Cross, Washington, D. C.

BILLS INTRODUCED

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

By Mr. FESS:

A bill (S. 3446) granting an increase of pension to Catharine Moxley (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3447) for the relief of Jerry M. Humphrey; to the Committee on Military Affairs.

Mr. JOHNSON. At the instance and request of the Secretary of Commerce and with the desire of the Commerce Committee, I

introduce three bills which have been transmitted by the Secretary of Commerce to us.

The VICE PRESIDENT. The bills will be received and properly referred.

By Mr. JOHNSON:

A bill (S. 3448) to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes";

A bill (S. 3449) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under the classified civil service; and

A bill (S. 3450) to establish load lines for American vessels in the coastwise trade, the trade on the Great Lakes, and for other purposes; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 3451) for the relief of Alice F. Martin, widow, and two minor children; to the Committee on Military Affairs.

By Mr. TOWNSEND (for Mr. HASTINGS):

A bill (S. 3452) for the relief of Harry C. Saxton (with accompanying papers); to the Committee on Claims.

A bill (S. 3453) granting a pension to Ada B. Ferguson (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3454) granting a pension to James A. Walker; to the Committee on Pensions.

A bill (S. 3455) to authorize the appointment of Technical Sergeant Tom Bowen as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 3456) to amend an act approved March 3, 1911, relating to the judiciary for the purpose of extending the jurisdiction of receivers appointed by the district courts;

A bill (S. 3457) to amend an act approved March 3, 1911, relating to the judiciary for the purpose of fixing the time and manner of filing claims in suits in equity in district courts of the United States;

A bill (S. 3458) to amend an act approved March 3, 1911, relating to the judiciary for the purpose of enabling receivers to sue in district courts of the United States other than those of their appointment; and

A bill (S. 3459) to amend an act approved July 1, 1898, establishing a uniform system of bankruptcy throughout the United States, and acts amendatory thereof; to the Committee on the Judiciary.

By Mr. BARKLEY:

A bill (S. 3460) for the relief of Charles Wells; to the Committee on Military Affairs.

By Mr. BRATTON:

A bill (S. 3461) granting a pension to John T. McCabe; to the Committee on Pensions.

By Mr. STECK:

A bill (S. 3462) providing that war veteran postmasters serve without term; to the Committee on Civil Service.

By Mr. BINGHAM:

A bill (S. 3463) to extend the admiralty laws of the United States of America to the Virgin Islands;

A bill (S. 3464) to approve Act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the district of Hanalei, island and county of Kauai"; and

A bill (S. 3465) to amend the act of Congress approved June 28, 1921 (42 Stats. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii"; to the Committee on Territories and Insular Affairs.

By Mr. CARAWAY:

A bill (S. 3466) for the relief of the Searcy Water Co.; to the Committee on Commerce.

By Messrs. PHIPPS, WATERMAN, CUTTING, BRATTON, SHEPPARD, and CONNALLY:

A bill (S. 3467) authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigations of reservoir sites, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. ODDIE:

A bill (S. 3468) to establish a term of the district court of the United States for the district of Nevada at Las Vegas, Nev.; to the Committee on the Judiciary.

By Mr. NYE:

A bill (S. 3469) for the relief of Svan J. Fleckten; to the Committee on Public Lands and Surveys.

AMENDMENTS TO THE TARIFF BILL

Mr. FESS and Mr. ODDIE each submitted an amendment intended to be proposed by them, respectively, to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed.

SAN DIEGO HARBOR, CALIF. (S. DOC. NO. 81)

Mr. JOHNSON. For the Committee on Commerce I ask unanimous consent to have printed as a Senate document and referred to the Committee on Commerce a communication from the Chief of Engineers of the Army, dated January 31, 1930, relative to San Diego Harbor, Calif., with accompanying engineers' report and an illustration.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 119. An act to prohibit the sending and receipt of stolen property through interstate and foreign commerce;

H. R. 185. An act to amend section 180, title 28, United States Code, as amended;

H. R. 742. An act to prevent desecration of the flag and insignia of the United States and to provide punishment therefor;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 7643. An act to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.; and

H. R. 9235. An act to authorize the Public Health Service to provide medical service in the Federal prisons.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions, and they were signed by the Vice President:

H. R. 5191. An act to authorize the State of Nebraska to make additional use of Niobrara Island;

H. J. Res. 240. Joint resolution making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona;

H. J. Res. 241. Joint resolution making an additional appropriation for the fiscal year 1930 for the cooperative construction of the rural post roads; and

H. J. Res. 242. Joint resolution making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929.

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

"PUT EDUCATION IN THE PRESIDENT'S CABINET"

Mr. TRAMMELL. Mr. President, I present an interesting radio address delivered by the senior Senator from Kansas [Mr. CAPPER] over Radio Station WJSV, entitled "Put Education in the President's Cabinet," which I ask may be published in the RECORD.

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

I want to talk to you for a little while on our public schools. They are the gateway to good citizenship. They rank high among our most cherished American institutions.

Now, I will ask you, Are we ashamed of our public schools? The question is not far-fetched. A visitor, unacquainted with our scheme of government, might well ask the same question. And why should he ask it?

Because every other important part of America's life is represented by a place in the President's Cabinet. The national defenses, the Federal courts, commerce in all its varied forms, labor, agriculture, and so forth, all have a department of their own in the Federal Government.

In those activities not strictly a part of governmental function—such as agriculture, labor, commerce—you will find great Federal

departments engaged in research, analysis, and solution of the problems that affect great masses of the American public. Do these departments control and rule the people whom they serve? No. Do these departments attempt to dictate the policies of business, labor, or farming? They most certainly do not.

Their position is that of a friendly guide and intelligent counselor.

I wonder if you are aware that we spend each year, through all agencies, $3,000,000,000 a year on education? And do you know that we have a permanent investment of $5,000,000,000 in school buildings and equipment?

By means of the numerous Federal agencies concerned with education we have been able to save millions of dollars yearly for our people. But not all of this vast expenditure is wisely guided. Other millions are wasted every year. They are simply thrown down the drainpipe of inefficiency, and the taxpayers bear this useless burden.

The great activities of agriculture, labor, and commerce are saved vast amounts of money every year through the assistance of the Federal departments charged with assisting them; why not the schools?

We have not worked out a complete coordination of our elementary, secondary, and higher institutions of learning. I do not think we will until we obtain Federal cooperation just such as is extended to the other great American activities.

I have introduced in the Senate a bill to create a department of public education. The head of this department would be a member of the President's Cabinet. The department's principal function would be to furnish reliable and accurate information on educational programs and advanced methods of instruction to schools throughout the country.

I want to tell you some of the things this bill will do and exactly what it will not and can not do.

It will coordinate the educational activities of the Federal Government. These are now spread through four departments and six independent agencies, with no general directing head.

It will conduct investigations on all educational matters, such as rural education, elementary education, secondary education, higher education, professional education, physical education (including health and recreation), specialized education, training of teachers, immigrant education, adult education, and other phases of the subject.

It will study schoolhouse construction and equipment and furnish the benefit of its research to public schools throughout the land.

It will investigate school accounting systems and administration for the sake of improvement and efficiency.

It will inquire into the training requirements of various businesses, professions, trades, and crafts in connection with courses of study in the public schools.

It will aid in equalizing school advantages throughout the country.

And these are the things that the proposed department will not and can not do:

It will not take one iota of school control from the municipality or the State. In all matters of administration the State, not the Federal Government, will remain supreme. There will be no attempt to impose the customs or practices of the North upon the South, the East upon the West, or vice versa, in any school questions.

It will not and can not interfere with private and parochial schools.

It will not plunge our schools into politics.

It will not attempt to standardize education.

It will not tend to increase the cost of education, but rather to lessen the expense to the taxpayers.

We have an Office of Education in the Department of the Interior. Some say that the proposed department of public education can give no more service than the Office of Education is now giving. But the Office of Education is only one of many bureaus scattered throughout the departments. Work is duplicated, the assembly of facts and figures is not coordinated, and the schools of the Nation can not be furnished with all the information they so badly need.

Aside from this very practical reason for the need of a department of public education, there is another which can not fail to appeal to every American.

From the foundation of our Government its leaders have recognized the importance of public education as a training for citizenship, and as essential to our existence as a happy and prosperous people.

We may draw from the utterances of George Washington, Thomas Jefferson, and James Madison their firm conviction that public education is a national necessity and a national responsibility.

President Coolidge, in his message to Congress in 1925, summed up the problem in these words:

"Having in mind that education is peculiarly a local problem, * * * nevertheless, the Federal Government might well give the benefit of its counsel and encouragement more freely."

Continuing, President Coolidge cited the appalling figures of illiteracy as a compelling reason for this Federal assistance and said further:

"I do not favor the making of appropriations from the National Treasury to be expended directly on local education, but I do consider it a fundamental requirement of national activity which is worthy of a separate department and a place in the Cabinet."

President Coolidge mentioned illiteracy. To the thousands listening in on the radio at this time, who have had the advantages of a good education, it must seem unbelievable that in this country of ours, with its innumerable opportunities, there are 5,000,000 children of school age, over 10 years old, who can neither read nor write.

Now, the department of public education can not take these 5,000,000 youngsters and say, "We command you to be educated or suffer the consequences." But by intelligent guidance of our schools, by assisting localities to expand their educational work, the department can be a mighty force in reducing this shocking total.

Our children—all of them, regardless of race, creed, or station in life—are surely entitled to the Federal Government's attention and assistance in education. This would be particularly helpful to rural boys and girls. City children would also be helped.

We should have had this department of public education long ago. It is time that the great cause of education receive fitting recognition from the people it has served so well. Every taxpayer in this land will be benefited through the various efficiencies and economies to be made possible by coordinating activities, elimination of duplication, and the giving of expert advice on schoolhouse construction, business management of schools, and the like.

Twoscore great American organizations are supporting this bill. But it should be supported by every patriotic man and woman in the country. The necessity for the creation of this department should be made known to everyone.

I am confident that when all the people know the facts about this bill Congress will meet the public demand, enact it into law, and give to the people the benefits they are now denied.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 119. An act to prohibit the sending and receipt of stolen property through interstate and foreign commerce;

H. R. 185. An act to amend section 180, title 28, United States Code, as amended;

H. R. 742. An act to prevent desecration of the flag and insignia of the United States and to provide punishment therefor;

H. R. 980. An act to permit the United States to be made a party defendant in certain cases;

H. R. 7643. An act to establish a term of the District Court of the United States for the District of Nevada at Las Vegas, Nev.; and

H. R. 9235. An act to authorize the Public Health Service to provide medical service in the Federal prisons.

PERMANENT INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

(H. DOC. NO. 284)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Acting Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $30,000 for the expenses of the sixth session of the Permanent International Association of Road Congresses, to be held in Washington, D. C., October, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, *February 6, 1930.*

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SHEPPARD. Mr. President, I ask permission to insert in the RECORD a summary of information prepared for me in relation to fats and oils.

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

The matter referred to is as follows:

Condensed summary concerning interchangeability of oils and fats

PART I. OILS AND FATS MENTIONED SPECIFICALLY IN TARIFF BILL

(Prepared by the American Farm Bureau Federation)

Oils and fats mentioned specifically in tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Almond oil	Pharmaceutical and cosmetic uses.	Olive, peach-kernel, apricot-kernel, and plum-kernel oils	Lewkowitsch, Vol. II, p. 296; Laucks, p. 58; Andes, p. 55; Gill, p. 122.
Do	Edible purposes	Refined seed oils, such as cottonseed, corn, soybean, sesame, peanut, for salad dressing and as a cooking oil; also if hydrogenated, it would be competitive with butter and lard.	Hilditch, p. 101; Lewkowitsch, Vol. III, p. 32.
Do	Soap making		Wright and Mitchell, p. 769; Laucks, p. 58.
Do	Adulteration		Hilditch, p. 101; Lewkowitsch, Vol. II, p. 296; Andes, p. 54.
Butter	Edible purposes	As an edible fat for table use and for cooking purposes, domestic butter encounters a widespread and rapidly increasing competition with other oils and fats from animal, vegetable, and marine sources. A complete list of all the available substitutes would be formidable in its proportions, but among the more important possible substitutes available in foreign countries are: Coconut oil, palm oil, palm-kernel oil, Borneo tallow, Malabar tallow, edible beef tallow, shea butter, macassar oil, illipe butter, mowrah butter, etc.; also hydrogenated oils such as whale, fish, cottonseed, corn, peanut, soybean, pumpkin seed, luffa seed, kapok seed, safflower, sunflower, and poppy-seed oils, etc.	
Castor oil	Medicinal		Chalmers, p. 8; Gill, pp. 120, 121; Martin, p. 130; Lamborn, p. 77; Andes, p. 65; Lewkowitsch, Vol. II, pp. 413, 414; Martin, Vol. I, p. 10; Laucks, p. 67; Andes, p. 61; Hilditch, p. 102.
Do	Soap making	Castor oil soap has unique properties due to the composition of the oil. These are not reproducible by competitive oils for certain specialized types of soap.	Chalmers, p. 8; Gill, pp. 120, 121; Andes, p. 65; Martin, Vol. I, p. 10; Hilditch, p. 102; Lamborn, p. 77; Ellis, pp. 388-399, 393, 394, 396, 397; Laucks, p. 67.
Do	Lubrication	Competitive with certain mineral oil lubricants, which may or may not contain fatty oils such as blown rape oil, fatty acids, neat's-foot oil, lard oil, etc.	Chalmers, p. 8; Martin, p. 130; Andes, p. 65; Martin, Vol. I, p. 10; Laucks, p. 67; Ellis, p. 396, 397; Lamborn, p. 77; Lewkowitsch, Vol. II, pp. 413, 414; Hilditch, p. 102; Holde, p. 511.
Do	Rubber substitutes	Competitive with sesame oil or rape oil. Imports of soybean oil and corn oil would also compete with castor oil for this purpose.	Lewkowitsch, Vol. III, pp. 202, 203; Holde, p. 509.
Do	Turkey-red oil	Competitive with foreign fish, body and liver oils, and many liquid vegetable oils such as rape, sesame, and olive oils.	Chalmers, p. 8; Holde, pp. 480, 481; Ellis, pp. 396, 397; Lewkowitsch, Vol. III, p. 207; Gill, pp. 120, 121; Martin, p. 130; Andes, p. 65; Martin, Vol. I, p. 10; Andes, p. 61; Hilditch, p. 102; Laucks, p. 67.
Do	Treatment of leathers		Andes, pp. 61-65; Laucks, p. 67; Lewkowitsch, Vol. II, pp. 413, 414; The Castor Oil Industry, U. S. Department of Agriculture Bulletin, No. 867, p. 38.
Do	Artificial leathers		The Castor Oil Industry, U. S. Department of Agriculture Bulletin, No. 867, p. 38.
Do	Adhesives		Lewkowitsch, Vol. II, pp. 413, 414.
Do	Adulterants		Gill, pp. 120, 121; Lewkowitsch, Vol. II, pp. 413, 414.
Coconut oil (copra oil)	Edible purposes	For margarine and lard substitutes, coconut oil is competitive with domestic edible animal fats such as edible tallow, butter, and neutral lard, and also with domestic hardened edible vegetable oils such as cottonseed, peanut, corn, and soybean oils.	Wright and Mitchell, pp. 612, 613; Hilditch, pp. 93, 259, 260; Ellis (U. S. Patent No. 1037881, Sept. 10, 1912); Andes, p. 157; Chalmers, p. 9; Myddleton and Barry, p. 143; Martin, p. 130; Lewkowitsch, Vol. III, pp. 33, 56, 58; Keris in Chem. Revue, 1912, p. 196; Gill, p. 139; Laucks, pp. 92, 93; Lewkowitsch, Vol. II, p. 660.
Do	Soap making	For making marine soaps, coconut oil has unique properties, but for other types of soap, it could be used to replace wholly or in part, practically any domestic animal or domestic vegetable fatty product, including tallow, cottonseed oil, soybean oil, peanut oil, corn oil, olive oil, etc.	Ellis, p. 366; Hilditch, p. 93; Andes, p. 157; Gill, p. 139; Martin, p. 130; Mitchell, p. 77; Chalmers, p. 9; Lewkowitsch, Vol. II., p. 660; Vol. III, p. 31; Lamborn, p. 73; Laucks, pp. 92, 93.
Do	Candle making	Not used for this purpose in the United States at the present time	Holde, p. 443; Gill, p. 139; Andes, p. 157; Lamborn, p. 73.
Cottonseed oil	Edible purposes	For margarine and lard substitutes, domestic cottonseed oil, when hydrogenated is competitive with foreign vegetable fats such as coconut, palm-kernel oil, and similar fats, and with hydrogenated whale, fish, soybean, peanut, and corn oils, etc. Imported cottonseed oil for this purpose would compete with domestic butter, lard, hydrogenated peanut, corn, and soybean oils. For salad oils, such foreign oils as poppy-seed, rape, kapok, and sesame are competitive with domestic cottonseed oil; imports of peanut, sunflower, soybean, and olive oils would also be competitive with domestic cottonseed oil for this purpose. Imported cottonseed oil, for salad oil, would be competitive with domestic corn, soybean, and peanut oils.	Laucks, p. 53; Lamborn, p. 68; Ellis, p. 354; (Thanes & Muller, Arch, Hyg. 84, pp. 56, 77, 1915; Chem. Abs. 1915, 1642); Lewkowitsch, Vol. II, pp. 209-215; Vol. III, pp. 33, 58; p. 30; Myddleton & Barry, p. 143; Martin, Vol. I, p. 10; Holde, p. 368; Bontoux, Matieres, p. 4144 (1914); Siefen. Ztg., p. 987, (1914); Wright & Mitchell, p. 615; Mitchell, p. 63; Chalmers, p. 7; Elsdon, pp. 212, 213; Andes, p. 83; Laucks, p. 53; Ellis, pp. 341-346, 348.
Do	Soap making	Domestic cottonseed oil is in competition with foreign fats both vegetable and animal such as hardened fish oils and hardened marine animal oils and most of the liquid and solid vegetable oils and fats including coconut, palm-kernel, soybean, rape, and mustard oils, etc. Imported cottonseed oil would also be competitive for this purpose with domestic oils and fats, both vegetable and animal, such as lard, tallow, hardened fish, soybean, peanut, and corn oils, etc.	Holde, p. 368; Martin, Vol. I., p. 10; Lamborn, p. 68; Hilditch, p. 105; Wright and Mitchell, p. 615; Gill, p. 118; Elsdon, pp. 212, 213; Andes, p. 83; Chalmers, p. 7, 8; Ellis, pp. 382, 383, 396, 397; Lewkowitsch, Vol. III., pp. 31, 418; Vol. II., p. 215.
Do	Adulteration		Gill, p. 118; Lewkowitsch, Vol. II., pp. 209-215; Andes, p. 83; Elsdon, pp. 212-213; Chalmers, p. 7.
Do	Candle making	The higher melting fatty acids obtained from domestic cottonseed oil are in competition with similar foreign products obtained from various foreign oils and fats and solid fats such as Borneo tallow, illipe fat and similar solid high-melting fats. Imported cottonseed oil would also be competitive with domestic tallow for this purpose.	Elsdon, pp. 212-213; Andes, p. 83; Chalmers, p. 7; Holde, p. 443.
Do	Turkey-red oil	If used for this purpose domestic cottonseed oil would be in competition with foreign oils such as rape, fish, liver, and body oils. Imported cottonseed oil for this purpose would also compete with domestic castor oil, fish, liver, and body oils.	Lewkowitsch, Vol. III, p. 207.
Do	Rubber substitutes	Domestic cottonseed oil is in competition with foreign oils such as rape oil for this purpose. Imported cottonseed oil for this purpose would also compete with domestic soybean oil.	Holde, p. 509.

Fish oils (herring, salmon, sardine, menhaden, Japanese fish oil, etc.).	Soap making	Fish oils can be used for making all classes of soap and therefore are in competition with all soap-making fats and oils both foreign and domestic whether liquid, solid or hydrogenated.	Ellis, pp. 371, 372, 396, 397, 383, 382, 360, 362-363; Laucks, p. 75; Lewkowitsch, Vol. II., pp. 431, 426-429; Hilditch, p. 122; Wright and Mitchell, p. 594; Ellis, pp. 374, 377-378.
Do	Paints and varnishes	Domestic fish oils are in competition with such foreign fish oils as herring, sardine oils, etc., and with such foreign drying oils as perilla, n'gart, poppy-seed, etc. Imported fish oils are in competition for this purpose with domestic fish oils such as menhaden, herring, sardine, whale and seal oils, and with domestic vegetable oils such as linseed and soybean oils.	Holde, p. 485; Lewkowitsch, Vol. II., pp. 426-429.
Do	Lubrication		Ellis, pp. 396-397; Wright and Mitchell, p. 594.
Do	Sulphonated oil	Domestic fish oils are competitive for this purpose with foreign fish oils such as herring, sardine oils, etc.; foreign vegetable oils such as rape and mustard-seed oils, etc. Imported fish oils for this purpose are competitive with domestic fish oils such as herring, sardine, etc., and with domestic vegetable oils such as castor oil, mustard oil, etc.	Ellis, pp. 396-397.
Do	Treatment of leathers	The sulphonated oils are largely used for this purpose (for discussion of competition see under "Sulphonated oils" above).	Ellis, pp. 405-408; Laucks, p. 75; Lewkowitsch, Vol. II, pp. 431, 426-429; Hilditch, p. 122.
Do	Linoleum		Hilditch, p. 122.
Do	Candle making		Ellis, p. 381.
Hempseed oil	Paints and varnishes	Imported hempseed oil for this purpose is competitive with domestic drying oils such as linseed, soybean, walnut, safflower, etc. Domestic hempseed oil is in competition with similar foreign drying oils such as perilla, lumbang, tung, safflower, etc.	Lewkowitsch, Vol. II., p. 95; Laucks, p. 41; Wright and Mitchell, p. 500, 501.
Do	Edible purposes (when hydrogenated).		Laucks, p. 41.
Do	Soap making	Hempseed oil competes with all kinds of domestic and foreign oils, including lard oil, cottonseed, soybean, linseed, coconut, palm-kernel, fish and whale oils, etc.	Lewkowitsch, Vol. II, p. 95; Laucks, p. 41; Wright and Mitchell, pp. 550, 551; Martin, Vol. I, p. 12.
Do	Adulteration		Wright and Mitchell, pp. 550, 551.
Herring oil	(See fish oils)	Herring oil can be utilized for most of the same purposes as the other fish oils and, therefore, is competitive with similar foreign and domestic oils for those uses. (See discussion of possible substitution or interchangeability under "Fish oils.")	See fish oils.
Kapok oil	Edible purposes	For margarine and lard substitutes imported kapok oil would compete with domestic butter, lard, hydrogenated peanut, corn, and soybean oils. For salard oil it would be competitive with cottonseed, peanut, soybean, and olive oils.	Myddleton and Barry, p. 143; Lewkowitsch, Vol. II., pp. 185-187; Andes, p. 88; Wright and Mitchell, p. 533.
Do	Soap making	It would be competitive for this purpose with domestic oils and fats, both vegetable and animal, such as lard, tallow, hardened fish, whale, cottonseed, soybean, peanut, and corn oils, etc.	Lewkowitsch, Vol. II, pp. 185-187; Andes, p. 88; Wright and Mitchell, p. 533.
Do	Candle making	Imported kapok oil would also be competitive with domestic tallow for this purpose.	
Do	Turkey-red oil	It would be competitive for this purpose with domestic castor oil, fish, liver, and body oils.	
Do	Rubber substitutes	It would be competitive for this purpose with domestic soybean oil.	
Do	Same uses as cottonseed oil		See Cottonseed oil.
Lard	Edible purposes	For margarine and as a cooking fat, domestic lard is in competition with a large number of foreign oils such as hydrogenated whale, fish, sunflower, poppy-seed, peanut, soybean, cottonseed, corn, and many other oils; also with foreign fats such as coconut oil, palm oil, palm-kernel oil, etc. Lard, if imported, would be competitive not only with the domestic product but with domestic hydrogenated whale, fish, peanut, cottonseed, soybean, and corn oils; also with butter and edible tallow.	Andes, Animal Fats and Oils, p. 151, Hilditch, pp. 114-116; Fryer and Weston, p. 167; Lewkowitsch, Vol. II, pp. 691, 754.
Do	Soap making	Domestic lard for this purpose is competitive with foreign fats such as coconut, palm, and palm-kernel oils and other fats; also with foreign hydrogenated whale, fish, sunflower, poppy-seed, cottonseed, soybean, peanut, and corn oils, etc. If imported for this purpose, foreign lard would be competitive with the domestic product, and with tallow, hydrogenated whale, fish, cottonseed, corn, peanut, and soybean oils.	Andes, Animal Fats and Oils, p. 151; Hilditch, p. 116; Fryer and Weston, Vol. I, p. 167; Lewkowitsch, Vol. II, pp. 691, 754.
Linseed oil	Paints and varnishes	Domestic linseed oil is in competition with foreign oils such as, perilla, tung, hempseed, n'gart, lumbang, etc. Imported linseed oil competes with domestic products and also with domestic menhaden oil.	Lewkowitsch, Vol. II, pp. 45-72; Hilditch, p. 110; Mitchell, p. 64; Chalmers, p. 6; Gill, p. 110; Laucks, p. 33; Martin, Vol. I, p. 12; Lamborn, p. 61; Elsdon, pp. 170, 171; Andes, p. 127.
Do	Linoleum, oilcloth, etc	do	Chalmers, p. 6, Lewkowitsch, Vol. II, p. 71; Vol. III, p. 199; Laucks, p. 33; Martin, Vol. I, p. 12; Lamborn, p. 61; Hilditch, p. 110.
Do	Soap making	When hydrogenated domestic linseed oil is competitive with all other soap materials in making hard soaps, including such foreign oils as coconut, palm kernel, Borneo tallow, palm, hydrogenated fish, whale oil, etc. Imported linseed oil when hydrogenated, not only competes with the domestic product but with other domestic oils and fats yielding hard soaps such as cottonseed, olive, peanut, hydrogenated fish and whale oils. For soft soaps domestic linseed oil is competitive with foreign drying oils such as perilla, lumbang, walnut, poppy-seed, tung, n'gart, etc. Imported linseed for this purpose is competitive with domestic drying oils such as soybean, menhaden, herring, etc.	Lewkowitsch, Vol. II, p. 71; Laucks, p. 33; Martin, Vol. I, p. 12; Lamborn, p. 60; Hilditch, p. 110; Gill, p. 110; Ellis, pp. 388, 389, 394, 396, 397; Schuck, Soap Gazette and Perfumer, p. 419, 1914; Andes, p. 127.
Do	Rubber substitutes	Imported linseed oil for this purpose competes with domestic oils such as soybean, cottonseed, and corn oils.	Chalmers, p. 6; Lewkowitch, Vol. II, p. 71; Gill, p. 110; Laucks, p. 33; Holde, p. 509.
Do	Edible purposes		Mitchell, p. 64; Lewkowitsch, Vol. II, p. 57; Vol. III, p. 31; Andes, p. 127.
Do	Adulterants		Mitchell, p. 65; Gill, p. 110; Lewkowitsch, Vol. II, p. 70; Chalmers, p. 6; Wright and Mitchell, p. 568; Andes, p. 126; Laucks, p. 34.
Menhaden oil	Treatment of leathers	Competes with other imported and domestic fish oils such as herring, sardine, etc., and also vegetable oils such as castor oil.	Lewkowitsch, Vol. II, p. 426; Gill, p. 141; Wright and Mitchell, p. 593; Fryer and Weston, Vol. I, p. 100.
Do	Soap making	When hydrogenated, menhaden oil competes with most of the other soap oils and fats.	Lewkowitsch, Vol. II, p. 426; Laucks, pp. 73, 74; Andes, Animal Fats and Oils, p. 228; Fryer and Weston, Vol. I, p. 100.

Condensed summary concerning interchangeability of oils and fats—Continued

PART I. OILS AND FATS MENTIONED SPECIFICALLY IN TARIFF BILL—Continued

Oils and fats mentioned specifically in tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Menhaden oil	Paints	Competes to only a small extent with other drying oils such as linseed, perilla, tung, n'gart, lumbang, soybean, etc.	Laucks, pp. 73, 74; Toch, p. 225; Elsdon, p. 438; Lewkowitsch, Vol. II, p. 426; Gill, p. 141; Wright and Mitchell, p. 593; Fryer and Weston, Vol. I, p. 100; Andes, Animal Fats and Oils, p. 228; Martin, Industrial Chemistry, p. 26; Mem. S. 114, Bur. of Fisheries, U. S. Dept. of Commerce; Mem. S. 49, Bur. of Fisheries, U. S. Dept. of Commerce; Toch, p. 225.
Do	Linoleum	Competes with linseed and perilla oils	Laucks, pp. 73, 74; Toch, p. 225; Fryer and Weston, Vol. I, p. 100; Lewkowitsch, Vol. II, p. 426.
Do	Rubber substitutes	Competes with linseed, corn, cottonseed, castor oils, etc	Laucks, pp. 73, 74; Lewkowitsch, Vol. II, p. 426.
Do	Tempering steel		Fryer and Weston, Vol. I, p. 100; Andes, Animal Fats and Oils, p. 228; Lewkowitsch, Vol. II, p. 426.
Oleo oil	Edible purposes	For margarine and lard substitutes foreign oleo oil would be competitive with domestic oils and fats, such as tallow, butter, neutral lard, cottonseed oil, soybean oil, and peanut oil. Domestic oleo oil is competitive with foreign oils and fats, such as coconut, palm-kernel, hydrogenated fish and whale oils, etc.	Myddleton and Barry, p. 143; Lewkowitsch, Vol. III, pp. 32, 33; Hilditch, p. 117; Elsdon, p. 357.
Do	Soap making	Imported oleo oil would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc. Domestic oleo oil is competitive for this purpose with foreign soap materials, such as coconut, palm, palm-kernel, hydrogenated fish and whale oils, etc.	Hilditch, p. 117; Lamborn, p. 37.
Do	Lubricant		Hilditch, p. 117.
Oleo stearin	Edible purposes	For margarine and lard substitutes foreign oleo stearin is competitive with domestic oils and fats, such as tallow, butter, neutral lard, cottonseed oil, soybean oil, and peanut oil. Domestic oleo stearin for this purpose is in competition with foreign coconut, palm-kernel, hydrogenated whale and fish oils, etc.	Lewkowitsch, Vol. III, pp. 32, 33; Elsdon, p. 357.
Do	Soap making	Imported oleo stearin would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, tallow, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc. Domestic oleo stearin for this purpose is competitive with foreign coconut, palm, palm-kernel, hydrogenated whale and fish oils, etc.	Hilditch, p. 117.
Do	Candle making		Do.
Olive oil	Edible purposes	For salad oil, domestic olive oil is in competition with imported olive, sesame, poppy-seed, and sunflower oils, etc., imported olive oil competes also with domestic peanut, cottonseed, soybean, corn, and olive oils. For butter substitutes and lard substitutes, olive oil is not used on account of its high price as compared with other available materials, but it could be so used.	Chalmers, p. 8; Martin, pp. 57, 130; Andes, pp. 47, 52; Elsdon, pp, 267, 269; Martin, Vol. I, p. 9; Holde, p. 368; Gill, pp. 125, 126; Laucks, p. 65; Lewkowitsch, Vol. II, pp. 376, 377; Hilditch, p. 100.
Do	Soap making	Competitive for this purpose with all other soap-making fats and oils. The domestic olive oil is competitive for this use with such foreign oils and fats as coconut, palm, palm-kernel, sesame, and rape oils, hydrogenated fish and whale oils, etc.; imported olive oil is competitive for this purpose not only with domestic olive oil but also with domestic tallow, lard, hydrogenated fish and whale oils, and castor, soybean, peanut, and cottonseed oils, etc.	Chalmers, p. 8; Gill, pp. 125, 126; Martin, Vol. I., p. 9; Andes, p. 52; Lewkowitsch, Vol. II, pp. 376, 377; Laucks, p. 65; Lamborn, pp. 59, 60; Andes, p. 47; Hilditch, p. 100.
Do	Lubrication	Competitive for this purpose with blown rape oil, neat's-foot oil, lard oil, and light mineral oils.	Chalmers, p. 8; Martin, p. 57; Andes, pp. 47-52; Chalmers, p. 8; Laucks, p. 65; Lewkowitsch, Vol. II, pp. 376, 377.
Do	Medicinal purposes		Andes, p. 52.
Do	Turkey-red oil		Holde, pp. 480, 481; Andes, p. 52; Lewkowitsch, Vol. III, p. 207; Andes, p. 47.
Do	Burning oil		Martin, p. 57; Chalmers, p. 8; Lewkowitsch, Vol. II, pp. 376, 377; Laucks, p. 65.
Do	Adulteration		Chalmers, p. 8; Elsdon, p. 272, 274; Gill, pp. 125, 126.
Palm oil	Edible purposes	For margarine and lard substitutes it is in competition with domestic oils and fats, such as tallow, butter, neutral lard, cottonseed, soybean, and peanut oils.	Myddleton and Barry, p. 143; Hilditch, pp. 94, 95, 251, 259, 260; Ellis, U. S. patent No. 1087161, Feb. 17, 1914; Lewkowitsch, Vol. II, p. 558; Laucks, pp. 86, 87.
Do	Soap making	Competes for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Ellis, p. 366; Chalmers, p. 9; Gill, pp. 136, 137; Lewkowitsch, Vol. II, p. 562; Lamborn, p. 73; Martin, Vol. I, p. 8; Laucks, pp. 86, 87; Hilditch, pp. 94, 95; Mitchell, p. 769.
Do	Tin-plate industry	Competes with domestic hydrogenated cottonseed oil	Laucks, pp. 86, 87.
Do	Candle making		Holde, p. 440; Chalmers, p. 9; Gill, pp. 136, 137; Lewkowitsch, Vol. II, p. 562; Laucks, pp. 96, 97; Holde, p. 443.
Palm-kernel oil	Edible purposes	For margarine and lard substitutes, it is competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils, butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. III, p. 33, 58; Vol. II, pp. 633-635, 651; Chalmers, p. 9; Hilditch, p. 251, 294; Mitchell, p. 86; Andes, p. 163.
Do	Soap making	Competes for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Hilditch, p. 94; Lewkowitsch, Vol. II, pp. 633-635; Ellis, p. 366; Lamborn, p. 74; Andes, p. 163; Chalmers, p. 9; Martin, Vol. I, p. 9; Wright & Mitchell, p. 769; Elsdon, pp. 336, 345.
Do	Candle making		Lewkowitsch, Vol. II, p. 651; Andes, p. 163; Chalmers, p. 9.
Peanut oil (Arachis oil)	Edible purposes	For margarine and lard substitutes imported peanut oil when hydrogenated would compete with domestic hydrogenated oil, such as corn, cottonseed, soy bean, and peanut oils, hydrogenated whale and fish oils; also domestic lard, butter, and tallow. Domestic peanut oil for this purpose would compete with foreign oils and fats, such as coconut, palm-kernel, hydrogenated fish and whale oils, etc. As a salad oil, imported peanut oil competes with the following domestic salad oils: Corn, cottonseed, soybean, olive, peanut, etc.	Lewkowitsch, Vol. I, p. 307; Vol. III, pp. 33, 58; Vol. II, p. 314; Lamborn, p. 76; Martin, Vol. I, p. 10; Hilditch, p. 101; Elsdon, p. 258, 265, 257; Bontoux, Matieres Grasses, 1914, p. 4194; Siefen. Ztg. 1914, p. 987; Laucks, p. 60; Myddleton and Barry, p. 143; Holde, p. 368; Wright and Mitchell, p. 472; Lamborn, p. 76.

Do	Soap making	Imported peanut oil is competitive for this purpose with all domestic soap-making oils and fats, including tallow, cottonseed, soybean, palm, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc. Domestic peanut oil is in competition for this purpose with foreign soap materials, such as coconut, palm, palm-kernel, hydrogenated whale, and fish oils, etc.	Lewkowitsch, Vol. II, p. 314, 329, 330; Wright and Mitchell, p. 472; Lamborn, p. 76; Andes, pp. 58, 60; Ellis, pp. 366, 388, 389; Elsdon, pp. 257; Laucks, p. 60; Martin, Vol. I, p. 10; Hilditch, p. 101; Wilhelmus, Seifen. Ztg. (1914), p. 257.
Do	Burning oil		Lewkowitsch, Vol. II, p. 314; Gill, p. 122; Hilditch, p. 101; Lamborn, p. 76.
Do	Rubber substitutes		Lewkowitsch, Vol. III, pp. 202, 203.
Do	Turkey-red oil		Lewkowitsch, Vol. III, p. 207.
Do	Lubricant		Lewkowitsch, Vol. I, p. 307; Elsdon, p. 257; Wright and Mitchell, p. 472.
Do	Adulteration		Lewkowitsch, Vol. II, pp. 328, 329, 330; Andes, pp. 58, 60; Mitchell, p. 58; Laucks, p. 60; Elsdon, p. 265; Gill, p. 122; Wright and Mitchell, p. 479; Lamborn, p. 76.
Perilla oil	Paints and varnishes	Competes for this purpose with domestic oils, such as linseed, soybean, walnut, and tung oils.	Lewkowitsch, Vol. II, p. 45, Vol. III, p. 145; Holde, p. 429; Morrell and Wood, pp. 57, 58; Andes, p. 150, 151; Laucks, p. 30; Wright and Mitchell, p. 570.
Do	Artificial leather		Laucks, p. 30; Wright and Mitchell, p. 570.
Do	Printer's ink	Competes for this purpose with domestic linseed oil	Laucks, p. 30; Wright and Mitchell, p. 570; Lewkowitsch, Vol. II, p. 45.
Do	Edible purposes		Morrell and Wood, pp. 57, 58; Lewkowitsch, Vol. II, p. 45; Elsdon, pp. 179, 180; Andes, p. 151; Wright and Mitchell, p. 570.
Do	Linoleum	Competes for this purpose with domestic linseed oil	Morrell and Wood, pp. 57, 58.
Do	Adulteration		Do.
Poppy-seed oil	Edible purposes	For salad oil, poppy-seed oil competes with domestic olive, cottonseed, corn, and peanut oils.	Mitchell, p. 68; Chalmers, p. 11; Gill, p. 116; Lotter, Jour. Soc. Chem. Ind. 1895, p. 168; Laucks, p. 46; Andes, p. 129.
Do	Paints and oil colors	Competes with domestic linseed oil	Holde, p. 427, 429; Gill, p. 116; Chalmers, p. 11; Laucks, p. 46; Andes, p. 129; Lotter, Jour. Soc. Chem. Ind., 1895, p. 168; Elsdon, p. 182.
Do	Soap making	Competes for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Lewkowitsch, Vol. II, pp. 121, 127; Wright and Mitchell, p. 769; Andes, p. 129; Chalmers, p. 11.
Do	Adulteration		Mitchell, p. 68; Laucks, p. 46; Lotter, Jour. Soc. Chem. Ind., 1895, p. 168; Gill, p. 116; Wright and Mitchell, p. 572.
Rape oil	Lubrication	Blown rape oil has unique properties for certain specialized uses in compounded lubricants, but could be substituted in part for domestic castor oil.	Ellis, pp. 396, 397; Holde, pp. 500, 501; Lewkowitsch, Vol. II, p. 271; Holde, p. 368; Gill, pp. 119, 120; Wright and Mitchell, p. 504; Chalmers, p. 10; Elsdon, pp. 226–230; Andes, p. 94; Laucks, p. 56.
Do	Soap making	Could be used for this purpose, and if so it would be competitive with all domestic soap-making oils and fats, including tallow, cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.	Ellis, pp. 396, 397; Lewkowitsch, Vol. II, p. 271.
Do	Rubber substitutes	Could be used for this purpose, and, if so, it would compete with domestic cottonseed, corn, and soybean oils.	Ellis, pp. 396, 397; Lewkowitsch, Vol. III, pp. 202–203; Laucks, p. 56; Holde, p. 500, 501.
Do	Edible purposes	Could be used for edible purposes, and, if so, would compete with domestic cottonseed, corn, and peanut oils as a salad and cooking oil.	Hilditch, p. 102; Chalmers, p. 10; Elsdon, pp. 226–230; Andes, p. 92; Laucks, p. 56; Lewkowitsch, Vol. II, p. 264.
Do	Illuminant or burning oil		Gill, pp. 119, 120; Holde, p. 368; Wright and Mitchell, p. 504; Chalmers, p. 10; Elsdon, pp. 226–230; Andes, p. 94; Laucks, p. 56; Hilditch, p. 102.
Do	Adulteration		Holde, pp. 500–501; Lewkowitsch, Vol. II, p. 268; Laucks, p. 56; Wright and Mitchell, p. 507.
Do	Quenching steel plates		Chalmers, p. 10; Lewkowitsch, Vol. II, p. 271; Laucks, p. 56.
Rubber-seed oil	Soap making	At present the commercial oil on account of its acidity is almost entirely used for soap making. It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Morrell and Wood, pp. 65, 66.
Do	Rubber substitutes		Do.
Do	Paints and varnishes	Competes with domestic linseed oil	
Seal oil	Burning oil		Lewkowitsch, Vol. II, pp. 460–466.
Do	Soap making	Competes for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, pp. 460–466; Wright and Mitchell, p. 769.
Do	Edible purposes	Imported hydrogenated seal oil, for this purpose, is in competition not only with domestic hydrogenated whale oil, but also with domestic hydrogenated vegetable oils and solid animal fats such as edible tallow, butter, lard, cottonseed oil, soybean oil, peanut oil, corn oil, etc.	Lewkowitsch, Vol. II, pp. 460–466.
Do	Leather industries		Do.
Sesame oil	Edible purposes	For margarine and lard substitutes sesame oil when hydrogenated competes with domestic hydrogenated oils such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic lard, butter, and tallow. As a salad oil, sesame oil competes with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Elsdon, pp. 232-234; Bontaux, Matieres Grasses, 1914, 4194; Siefen. Ztg. 1914, p. 987; Andes, p. 86; Myddleton and Barry, p. 143; Holde, p. 368; Laucks, p. 55; Martin, Vol. I, p. 11; Wright and Mitchell, p. 540; Hilditch, p. 251; Lewkowitsch, Vol. III, pp. 33, 58.
Do	Soap making	Competes for this purpose with all domestic soap making oils and fats including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Andes, p. 86; Lewkowitsch, Vol. II., pp. 223, 230, 231; Vol. III., p. 31; Holde, p. 368; Gill, p. 118; Wright and Mitchell, pp. 540, 769; Laucks, p. 55.
Do	Adulterant		Lewkowitsch, Vol. II., pp. 80, 230, 231; Gill, p. 118; Wright and Mitchell, pp. 544, 545; Laucks, p. 55.
Do	Rubber substitutes		Lewkowitsch, Vol. III., p. 202, 203; Vol. II., pp. 230, 231.
Sod oil	Currying leather		Lewkowitsch, Vol. III., pp. 429–431; Wright and Mitchell, p. 440.
Soybean oil	Edible purposes	For margarine and lard substitutes imported soybean oil when hydrogenated competes with domestic hydrogenated oils such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic lard, butter, and tallow. Hardened domestic soybean oil for this purpose competes with such foreign oils and fats as coconut, palm-kernel, hydrogenated whale and fish oils, etc. As a salad oil, imported soybean oil competes with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Elsdon, p. 193; Morrell and Wood, p. 61; Chalmers, p. 10; Hilditch, pp. 109, 110, 251; Laucks, pp. 43, 44; Martin, Vol. I, p. 13; Andes, p. 135; Lewkowitsch, Vol. II, p. 119; Vol. III, p. 33; Toch, J. S. C. I., 1912, pp. 31, 572; Ellis, U. S. patent No. 1047013, Dec. 10, 1912.
Do	Soap making	Imported soybean oil competes for this purpose with all domestic soap making oils and fats, including cottonseed, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow. Domestic soybean oil for this purpose competes with foreign soap materials, such as coconut, palm, palm-kernel, hydrogenated whale and fish oil, etc.	Hilditch, pp. 109, 110; Lewkowitsch, Vol. II., p. 119; Gill, p. 115; Chalmers, p. 10; Laucks, pp. 43, 44; Martin, Vol. I., p. 13.

Condensed summary concerning interchangeability of oils and fats—Continued

PART I. OILS AND FATS MENTIONED SPECIFICALLY IN TARIFF BILL—Continued

Oils and fats mentioned specifically in tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Soybean oil	Candle making		Andes, p. 135; Hilditch, p. 109, 110.
Do	Paints and varnishes	Competes with domestic linseed oil	Holde, p. 427; Toch, p. 229; Elsdon, p. 193; Holde, p. 485; Laucks, pp. 43, 44; Morrell and Wood, p. 63; Gill p. 115; Martin, Vol. I, p. 13; Andes, p. 135.
Do	Rubber substitutes		Lewkowitsch, Vol. III, pp. 202, 203; Gill, p. 115.
Sunflower oil	Edible purposes	For margarine and lard substitutes sunflower oil when hydrogenated, would be competitive with domestic hydrogenated oils such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic lard, butter, and tallow. As a salad oil, sunflower oil competes with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Wright and Mitchell, p. 576; Mitchell, p. 70; Gill, p. 116; Laucks, p. 47; Chalmers, p. 10; Lewkowitsch, Vol. III, p. 37; Elsdon, p. 185; Lewkowitsch, Vol. II, pp. 136-140; Elsdon, p. 186; Wright and Mitchell, p. 577; Martin, p. 61; Andes, p. 132.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Chalmers, p. 10; Lewkowitsch, Vol. II, p. 136-140; Martin, Vol. I, p. 12; Andes, p. 132; Laucks, p. 47; Gill, p. 116.
Do	Candle making		Chalmers, p. 10.
Do	Illuminant or burning oil		Wright and Mitchell, p. 576; Gill, p. 116.
Do	Adulteration		Gill, p. 116; Elsdon, p. 186; Wright and Mitchell, p. 577.
Tallow	Edible purposes	For margarine and lard substitutes, domestic edible tallow is in competition with foreign fats and hydrogenated oils such as coconut oil, palm-kernel, palm, hydrogenated cottonseed, corn, soybean, peanut, fish, and whale oils, etc.; imported edible tallow would be competitive not only with a similar domestic product but also with domestic butter, lard, and domestic hardened oils such as hydrogenated cottonseed, soybean, peanut, corn, fish, and whale oils.	Hilditch, p. 117; Myddleton and Barry, p. 143; Elsdon, p. 357; Mitchell, p. 73; Fryer and Weston, p. 171; Lewkowitsch, Vol. II, pp. 764, 765-780; Andes, Animal Fats and Oils, p. 180.
Do	Soap making	Imported tallow is competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; domestic tallow is in competition for this purpose with foreign oils and fats such as coconut, palm, palm-kernel, hydrogenated whale and fish oils, etc.	Hilditch, p. 117; Lamborn, pp. 37, 40; Mitchell, p. 73; Fryer and Weston, p. 171; Lewkowitsch, Vol. II, pp. 781-787; Wright and Mitchell, p. 769.
Do	Candle making		Mitchell, p. 73; Fryer and Weston, p. 171; Lewkowitsch, Vol. II, pp. 781-787; Andes, Animal Fats and Oils, p. 180.
Do	Lubrication		Fryer and Weston, p. 171; Lewkowitsch, Vol. II, p. 780; Andes, Animal Fats and Oils, p. 180.
Tung oil	Paints and varnishes	Among drying oils, tung oil is unique in composition and imparts waterproof properties to paints and varnishes. Linseed and other high-class drying oils could be in part or wholly substituted by tung, if it were available.	Wright and Mitchell, pp. 577, 580, 581; Laucks, p. 39; Morrell and Wood, p. 54; Lewkowitsch, Vol. II, p. 78.
Do	Ink		Lewkowitsch, Vol. II, p. 83; Laucks, p. 39.
Whale oil	Edible purposes	For margarine and lard substitutes, domestic whale oil is in competition with foreign hydrogenated vegetable and animal oils, such as seal oil, edible tallow, coconut oil, palm-kernel oil, soybean oil, sesame, cottonseed oil, peanut oil, etc.; imported hydrogenated whale oil, for this purpose is in competition not only with domestic whale oil but also with domestic hydrogenated vegetable oils and solid animal fats, such as edible tallow, butter, lard, cottonseed oil, soybean oil, peanut oil, corn oil, etc.	Myddleton and Barry, p. 41; Ellis, p. 337, 339; Laucks, pp. 81, 82; Elsdon, p. 475; Lewkowitsch, Vol. II, p. 474.
Do	Soap making	Imported whale oil competes for this purpose with all domestic soap making oils and fats including tallow, cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, etc.; domestic whale oil is in competition for this purpose with foreign oils and fats, such as coconut, palm, palm-kernel, hydrogenated whale and fish oils, etc.	Lewkowitsch, Vol. II, p. 474; Garth (Seifen. Ztg. 1912), p. 1278; Ellis, pp. 362, 396, 397; Laucks, pp. 81, 82; Wright and Mitchell, p. 769; Ellis, p. 360; Schuck, Soap Gazette and Perfumer, 1914, p. 419.
Do	Tempering steel		Myddleton and Barry, p. 41; Lewkowitsch, Vol. II, p. 474.
Do	Lubricant		Gill, p. 142; Myddleton and Barry, p. 41; Lewkowitsch, Vol. II, p. 474; Laucks, pp. 81, 82; Ellis, pp. 396, 397.
Do	Leather dressing		Gill, p. 142; Myddleton and Barry, p. 41; Lewkowitsch, Vol. II, p. 474; Laucks, pp. 81, 82.
Do	Illuminant or burning oil		Gill, p. 142; Lewkowitsch, Vol. II, p. 474.
Do	Adulterant		Lewkowitsch, Vol. II, p. 474.
Do	Candle making		Ellis, p. 381; Seifen. Ztg. (1914), p. 263.

PART II. OILS AND FATS NOT MENTIONED SPECIFICALLY BUT ENTITLED TO ENTRY UNDER BASKET CLAUSES OF TARIFF BILL (H. R. 2667)

Oils and fats not mentioned specifically but entitled to entry under basket clauses of tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Aouara oil (tucum oil) and aouara-kernel oil.	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils, butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. II, p. 544, 625.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Same uses as palm-kernel and coconut oil.		See under "Palm-kernel oil."

Apricot-kernel oil	Edible purposes	Competitive with almond, peach-kernel, cherry-kernel, plum-kernel, and olive oils; also with refined seed oils such as cottonseed, corn, soybean, sesame, and peanut oils for salad oil and as a cooking oil; also, if hydrogenated, it would be competitive with butter and lard.	Lewkowitsch, Vol. II, p. 291; Elsdon, pp. 252–256.
Do	Pharmaceutical uses		Andes, p. 55.
Do	Adulterant		Lewkowitsch, Vol. II, p. 291.
Atta-seed oil	Edible purposes	For margarine and lard substitutes atta-seed oil would be competitive with domestic oils and fats, such as edible tallow, butter, lard; and hydrogenated cottonseed oil, peanut oil, soybean oil, corn oil, etc.	Elsdon, p. 346.
Babassu kernel oil	do	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils, butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Hilditch, pp. 259, 260.
Do	Soap making	It would be competitive, for this purpose, with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	See under "Palm-kernel oil."
Do	Same uses as palm-kernel oil.		Do.
Baobab fat	Edible purposes	When hydrogenated it would be competitive with domestic butter, lard, hydrogenated peanut, corn, whale, fish, cottonseed, and soybean oils.	Andes, p. 185.
Do	Soap making	It would be competitive for this purpose with domestic oils and fats, both vegetable and animal, such as lard, tallow, hardened whale, fish, soybean, peanut, cottonseed, and corn oils.	Do.
Bassia tallow (galam butter, munga oil, mohua fat, etc.)	Edible purposes	For margarine and lard substitutes it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils, butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Mitchell, p. 72; Andes, p. 172; Wright and Mitchell, p. 602.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Andes, p. 172; Wright and Mitchell, p. 602.
Do	Candle making	It would be competitive for this purpose with domestic tallow and other hard fats.	Do.
Ben oil	Edible purposes	As a salad oil it would be competitive with domestic oils such as olive, cottonseed, corn, peanut, soybean, etc. For margarine and lard substitutes it would be competitive, when hydrogenated, with domestic oils and fats such as butter, edible tallow, lard, hydrogenated cottonseed, corn, soybean, and peanut oils, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. II., pp. 381–384.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.	Do.
Do	Lubricant		Do.
Borneo tallow (illipe fat)	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as butter, edible tallow, lard, hydrogenated cottonseed, corn, soybean, and peanut oils, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. II, p. 617; Hilditch, p. 96; Wright and Mitchell, p. 603; Mitchell, p. 74; Wright and Mitchell, p. 603.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, p. 617; Wright and Mitchell, p. 603.
Do	Candle making		Do.
Brazil-nut oil	Edible purposes	As a salad oil it would be competitive with domestic oils, such as olive, cottonseed, corn, peanut, soybean, etc. For margarine and lard substitutes it would be competitive, when hardened, with domestic oils and fats such as butter, edible tallow, lard, hydrogenated cottonseed, corn, soybean, and peanut oils, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. II, pp. 242–244; Elsdon, p. 198; Andes, p. 102.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, pp. 242–244; Andes, p. 102.
Do	Burning oil		Andes, p. 102.
Brazilian palm oils and palm-kernel oils.	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils, butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	See under "Palm-kernel oil."
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Do.
Do	Same uses as palm-kernel oil.		Do.
Cacao butter	Edible purposes (especially confectionery)	Could be used as cooking fat and margarine fat, but at the present time the price is prohibitive as compared with other available materials.	Hilditch, pp. 259, 260; Lewkowitsch, Vol. II, pp. 601–604; Mitchell, p. 76; Martin, p. 129; Elsdon, pp. 304, 305; Chalmers, p. 9; Laucks, pp. 87, 88.
Do	Soap making	Could be used for soap making but price is prohibitive at present as compared with other available materials.	Chalmers, p. 9; Andes, p. 155.
Do	Pharmaceutical uses		Elsdon, pp. 304, 305; Lewkowitsch, Vol. II, pp. 601, 604; Martin, p. 129; Chalmers, p. 9; Andes, p. 155; Laucks, p. 87, 88.
Candlenut oil or bankul oil	Paints and varnishes	It would be competitive for this purpose with domestic oils, such as linseed, soybean, tung, safflower, walnut, menhaden.	Wright and Mitchell p. 466; Lewkowitsch, Vol. II, p. 89; Toch, pp. 223, 224; Andes, p. 110; Andes, pp. 111–113; Elsdon, p. 168; Laucks, p. 40.
Do	Soap making	When hydrogenated it would be competitive for this purpose with domestic oils, such as cottonseed, olive and peanut oils, and hydrogenated fish and whale oils; also with domestic tallow.	Lewkowitsch, Vol. II, p. 89; Laucks, p. 40; Lewkowitsch, Vol. II, p. 90; Wright and Mitchell, p. 466.
Do	Adulteration		Wright and Mitchell, p. 466; Laucks, p. 40; Lewkowitsch, Vol. II, p. 89.
Cherry-kernel oil	Edible purposes and pharmaceutical uses.	Competitive with almond, peach-kernel, apricot-kernel, plum-kernel, and olive oils; also with refined seed oils, such as cottonseed, corn, soybean, sesame, peanut, for salad dressing and as a cooking oil; also if hydrogenated, it would be competitive with butter and lard.	Lewkowitsch, Vol. II, p. 286; Andes, p. 57.
Do	Soap making		Andes, p. 57; Lewkowitsch, Vol. II, p. 286.
Do	Burning oil or illuminant		Do.
Do	Adulterant		Wright and Mitchell, p. 470.

Condensed summary concerning interchangeability of oils and fats—Continued

PART II. OILS AND FATS NOT MENTIONED SPECIFICALLY BUT ENTITLED TO ENTRY UNDER BASKET CLAUSES OF TARIFF BILL (H. R. 2667)—Continued

Oils and fats not mentioned specifically but entitled to entry under basket clauses of tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Chinese vegetable tallow	Soap making	Competes for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, p. 609; Laucks, pp. 88, 89; Andes, p. 176; Elsdon, p. 299; Wright and Mitchell, p. 609; Hilditch, p. 96.
Do	Candle making	Competitive for this purpose with domestic tallow and other hard fats	Holde, p. 440; Laucks, pp. 88, 89; Andes, p. 176; Elsdon, p. 299; Wright and Mitchell, p. 609; Hilditch, p. 96.
Cokerite-kernel oil	Edible purposes (see palm-kernel oil).	Edible purposes, for margarine and lard substitutes, it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard; edible hydrogenated fish and whale oils, etc.	See under "Palm-kernel oil."
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Do.
Cohune oil and babassu fat	Edible purposes (same as palm-kernel oil).	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard; edible hydrogenated fish and whale oils, etc.	See under "Palm-kernel oil."
	Soap making	Competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Do.
Corn oil	Edible purposes	Imported corn oil would compete with domestic butter and lard when used for manufacture of butter and lard substitutes; it would also compete with domestic corn oil. For butter substitutes and lard substitutes, foreign oils such as coconut oil, palm-kernel oil, and similar solid vegetable fats from the Far East and Africa compete with domestic corn oil. For salad oils, such foreign oils as poppy seed, rape, kapok, and sesame would be competitive with domestic corn oil; imports of peanut, sunflower, soybean, and olive oils would also be competitive with domestic corn oil for this purpose. Imported corn oil, for salad oil, would compete also with domestic cottonseed, soybean, and peanut oils, etc.	Myddleton and Barry, p. 143; Lewkowitsch, Vol. III, pp. 36, 37, Vol. II, pp. 177, 178; Laucks, pp. 47, 48; Lewkowitsch, Vol. III, p. 58; Hilditch, p. 251; Mitchell, p. 65; Elsdon, p. 204.
Do	Soap making	Domestic corn oil is in competition with foreign fats, both vegetable and animal, such as hardened fish oils and hardened marine animal oils and most of the liquid and solid vegetable oils and fats, including coconut, palm-kernel, soybean, rape, and mustard oils, etc. Imported corn oil would also be competitive for this purpose with domestic oils and fats, both vegetable and animal, such as lard, tallow, hardened fish oils, soybean, peanut, and cottonseed oils, etc.	Lewkowitsch, Vol. II, pp. 177, 178; Laucks, pp. 47, 48; Gill, p. 117; Ellis, pp. 382,383; Lamborn, p. 70, Hilditch, p. 106.
Do	Rubber substitutes	Competitive for this purpose with castor oil, fish oil, linseed oil, etc	Lewkowitsch, Vol. III, pp. 202, 203.
Do	Paints and varnishes		Lamborn, p. 71; Gill, p. 117; Laucks, pp. 47, 48; Elsdon, p. 206.
Do	Illuminant or burning oil		Lewkowitsch, Vol. II, pp. 177, 178; Gill, p. 117.
Do	Adulteration		Lewkowitsch, Vol. II, pp. 177, 178; Gill, p. 117.
Coumon oil, Batava oil, or Patava oil.	Used as a salad oil (see also Brazilian palm oils)	It would be competitive with domestic salad oils, such as cottonseed, corn, soybean, and peanut oils.	See Palm-kernel oil, Brazilian palm oils.
Do	Soap making	If available it would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oils, etc.; also with domestic tallow.	Do.
Coyal palm oil (Muriti fat)	Edible purposes (same as palm-kernel and coconut oil).	For margarine and lard substitutes, it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow; lard; edible hydrogenated fish and whale oils, etc.	See under "Palm-kernel and coconut oil."
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Do.
Curcas oil (Jathropa oil, purging nut oil).	do	do	Wright and Mitchell, p. 514; Andes, p. 101; Lewkowitsch, Vol. II, p. 241.
Do	Illuminant or burning oil		Lewkowitsch, Vol. II, p. 241; Wright and Mitchell, p. 514; Andes, p. 101.
Do	Medicinal purposes		Wright and Mitchell, p. 514; Andes, p. 101.
Dika fat group (Dika fat, Dika oil, Oba oil, wild mango oil).	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, p. 672.
Do	Candle making		Do.
Do	Edible purposes		Do.
Dodder oil or cameline oil	do		Lewkowitsch, Vol. II, p. 143; Wright and Mitchell, p. 521.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, p. 143; Andes, p. 137; Wright and Mitchell, p. 521.
Do	Burning oil		Andes, p. 137.
Do	Adulteration		Lewkowitsch, Vol. II, p. 143; Andes, p. 137; Wright and Mitchell, p. 521.
Grape seed oil	Edible purposes	Imported grape-seed oil could be refined and used for edible purposes and if so would compete with domestic corn, cottonseed, and peanut oils as a salad oil; when hydrogenated it would compete with the domestic hydrogenated animal and vegetable oils such as whale, fish, cottonseed, corn, peanut; also edible tallow, butter, and lard.	Wright and Mitchell, p. 516; Andes, p. 68; Elsdon, p. 241.
Do	Burning oil		Andes, p. 68; Wright and Mitchell, p. 516.

Do	Soap making	It would compete for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Andes, p. 68.
Do	Turkey-red oil		Wright and Mitchell, p. 516.
Do	Paints and varnishes	Imported grapeseed oil would compete for this purpose with domestic soybean oil.	
Hazelnut oil	Edible purposes	Imported hazelnut oil could be refined and used for edible purposes and if so would compete with domestic corn, cottonseed, and peanut oils as a salad oil; when hydrogenated it would compete with domestic hydrogenated animal and vegetable oils such as whale, fish, cottonseed, corn, peanut; also edible tallow, butter, and lard.	Andes, p. 60.
Do	Soap making	It would be competitive for this purpose with all domestic soap making oils and fats, including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Wright and Mitchell, p. 480; Andes, p. 60.
Do	Lubrication		Wright and Mitchell, p. 480; Andes, p. 60.
Do	Burning oil		Do
Do	Adulteration		Wright and Mitchell, p. 480.
Illipe butter (Illipe tallow)	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow; lard; edible hydrogenated fish and whale oils, etc.	Hilditch, p. 259–260.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Candle making		Holde, p. 440; Hilditch, pp. 96, 97.
Lallemantia oil	Paints and varnishes, linoleum and oilcloth.	Would compete with linseed and soybean oils	Lewkowitsch, Vol. II, pp. 86, 87; Elsdon, p. 170; Wright and Mitchell, p. 551.
Do	Burning oil		Lewkowitsch, Vol. II, pp. 86, 87.
Do	Edible purposes (locally)		Elsdon, p. 170; Lewkowitsch, Vol. II, pp. 86, 87.
Do	Soap making	Would compete with linseed and soybean oil	
Luffa (Loofa) seed oil	Edible purposes	For margarine and lard substitutes it would be competitive when hardened with domestic butter, lard, hydrogenated peanut, corn, cottonseed, fish, whale, and soybean oils.	Andes, p. 102.
Do	Soap making	Imported luffa seed oil would be competitive for this purpose with domestic soap oils and fats, both vegetable and animal, such as lard, tallow, hardened fish, whale, soybean, peanut, cottonseed, and corn oils, etc.	
Macassar oil (Kusum oil)	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Andes, p. 191; Lewkowitsch, Vol. II, pp. 564, 566.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Burning oil		Andes, p. 191.
Do	Illuminant		Lewkowitsch, Vol. II, pp. 564–566.
Do	Medicinal purposes		Andes, p. 191; Lewkowitsch, Vol. II, pp. 564–566.
Madia oil	Edible purposes	For margarine and lard substitutes madia oil when hydrogenated would be competitive with domestic hydrogenated oils, such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic lard butter, and tallow. As a salad oil, madia oil would be competitive with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Lewkowitsch, Vol. II, p. 148; Elsdon, p. 176; Wright and Mitchell, p. 534.
Do	Burning oil		Lewkowitsch, Vol. II, p. 148; Wright and Mitchell, p. 534.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Do.
Do	Lubrication		Wright and Mitchell, p. 534.
Do	Same uses as sunflower oil		
Mafura fat	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Andes, p. 192; Wright and Mitchell, p. 622.
Do	Candle making		Andes, p. 192.
Malabar tallow (piney tallow).	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Wright and Mitchell, p 630.
Do	Edible purposes (locally)	For margarine and lard substitutes, it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. II, pp. 589–591; Elsdon, p. 290.
Do	Illuminant		Wright and Mitchell, p. 630.
Do	Candle making		Holde, p. 440.
Manketti oil (sanga-sanga oil or n'sana oil).	Paints and varnishes	It would be competitive with domestic linseed oil	Holde, p. 429; Andes, pp. 144, 145.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Margosa oil	Edible purposes	For margarine and lard substitutes it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. III, p. 58.

Condensed summary concerning interchangeability of oils and fats—Continued

PART II. OILS AND FATS NOT MENTIONED SPECIFICALLY BUT ENTITLED TO ENTRY UNDER BASKET CLAUSES OF TARIFF BILL (H. R. 2667)—Continued

Oils and fats not mentioned specifically but entitled to entry under basket clauses of tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Margosa oil	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Maripa fat	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard; edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. II, p. 624; Wright and Mitchell, p. 623.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Pharmaceutical uses		Lewkowitsch, Vol. II, p. 624.
Mellon-seed oil (watermelon, sele, ikpan, senat).	Edible purposes	For margarine and lard substitutes, imported hardened melon-seed oil (watermelon, sele, ikpan, senat) would compete with domestic butter, lard, hydrogenated peanut, corn, whale, fish, cottonseed, and soybean oils.	Elsdon, p. 191; Andes, p. 105.
Do	Soap making	Imported hardened melon-seed oil (watermelon, sele, ikpan, senat) would be competitive for this purpose with domestic soap oils and fats, both vegetable and animal, such as lard, tallow, hardened fish, whale, cottonseed, soybean, peanut, corn oils, etc.	Andes, p. 105.
Mowrah-seed oil (mohwrah butter, mahua butter).	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard, edible hydrogenated fish, and whale oils, etc.	Lewkowitsch, Vol. III, p. 58; Fryer and Weston, Vol. I, p. 150; Wright and Mitchell, p. 602; Hilditch, p. 97.
Do	Soap making	It would compete for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Fryer and Weston, Vol. I, p. 150; Wright and Mitchell, p. 602; Hilditch, p. 97.
Do	Candle making		Fryer and Weston, Vol. I, p. 150; Wright and Mitchell, p. 602; Hilditch, p. 97; Lewkowitsch, Vol. II, pp. 528–530.
Mustard-seed oil (Indian, white, black).	Edible purposes	Could be used for edible purposes, and if so, would compete with domestic cottonseed, corn and peanut oils as a salad and cooking oil.	Andes, p. 96; Elsdon, pp. 207, 208.
Do	Soap making	Could be used for this purpose, and if so, it would be competitive with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc., also with domestic tallow.	Chalmers, p. 10; Holde, p. 368.
Do	Burning oil		Holde, p. 368; Andes, p. 96; Elsdon, pp. 207, 208.
N'Gart oil	Edible purposes		Lewkowitsch, Vol. II, p. 72; Elsdon, p. 178; Andes, p. 141.
Do	Paints and varnishes	It would be competitive with domestic linseed and menhaden oils	Lewkowitsch, Vol. II, p. 72; Andes, p. 132, 141; Elsdon, p. 178.
Do	Soap making	When hydrogenated it would be competitive with the domestic oils and fats yielding hard soaps, such as tallow, cottonseed, olive, peanut, hydrogenated fish and whale oils, and for soft soaps it would be competitive with domestic drying oils, such as linseed, soybean, menhaden, herring, etc.	Lewkowitsch, Vol. II, p. 72; Elsdon, p. 178.
Nigerseed oil	Edible purposes	For margarine and lard substitutes nigerseed oil when hydrogenated would be competitive with domestic hydrogenated oils, such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic lard, butter, and tallow. As a salad oil, nigerseed oil would be competitive with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Jour. Soc. Chem. 1905, p. 358; Lewkowitsch, Vol. II, p. 136; Andes, pp. 137, 138; Elsdon, pp. 178, 179.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Lewkowitsch, Vol. II, p 136; Andes, pp. 137, 138.
Do	Paints and varnishes		Lewkowitsch, Vol. II, p. 136.
Do	Lubrication		
Oiticica fat	Paints and varnishes	It would be competitive with domestic linseed, and menhaden oils	Wright and Mitchell, p. 569; Andes, p. 121.
Do	Linoleum	It would be competitive with domestic menhaden oil for this purpose	Do.
Do	Soap making	When hydrogenated, it would be competitive with domestic oils and fats yielding hard soaps such as tallow, cottonseed, olive, peanut, hydrogenated fish and whale oils; and for soft soaps, it would be competitive with domestic drying oils such as linseed, soybean, menhaden, herring, etc.	
Paraguay palm-nut oil (mocaya oil, mocaya butter, mocaja butter).	Edible purposes	For margarine and lard substitutes, it would be competitive with domestic oils and fats such as hydrogenated cottonseed, corn, soybean, and peanut oils, butter, edible tallow, lard, edible hydrogenated fish and whale oils, etc.	Elsdon, pp. 351, 352; Laucks, p. 89.
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Laucks, p. 89; Elsdon, pp. 351, 352.
Peach-kernel oil	Edible and pharmaceutical purposes.	It would be competitive with almond, plum kernel, cherry kernel, apricot kernel, and olive oils; also with refined seed oils, such as cottonseed, corn, soybean, sesame, and peanut oils for salad oil, and as a cooking oil; also, when hydrogenated, with butter and lard.	Elsdon, pp. 252–256; Andes, p. 56.
Do	Adulteration		Lewkowitsch, Vol. II, pp. 292–295.
Plum-kernel oil	Edible purposes and pharmaceutical purposes.	It would be competitive with almond, peach kernel, cherry kernel, apricot kernel, and olive oils; also with refined seed oils, such as cottonseed, corn, soybean, sesame, and peanut oils for salad oil, and as a cooking oil; also, when hydrogenated, with butter and lard.	Wright and Mitchell, p. 497; Andes, p. 57.

Do	Adulteration		Wright and Mitchell, p. 497; Lewkowitsch, Vol. II, p. 292.
Do	As a burning oil		Wright and Mitchell, p. 497.
Poli oil	Edible purposes	For margarine and lard substitutes poli oil, when hydrogenated, would be competitive with domestic hydrogenated oils, such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic lard, butter, and tallow. As a salad oil, it would be competitive with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Andes, p. 152; Elsdon, p. 181.
Do	Soap making	It would be competitive, if imported, for this purpose with all domestic soap making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Paints and varnishes	It would be competitive, if imported, with domestic linseed oil.	
Pumpkin-seed oil	Edible purposes	For margarine and lard substitutes, foreign pumpkin-seed oil, when hydrogenated, would be competitive with domestic fats and domestic hydrogenated oils such as lard, butter, tallow and hydrogenated corn, cottonseed, soybean, peanut, whale, and fish oils. As a salad oil, foreign pumpkin-seed oil would be competitive with the following domestic salad oils: Corn, cottonseed, and peanut oils.	Wright and Mitchell, p. 538; Andes, p. 102; Lewkowitsch, Vol. II, pp. 164-166.
Do	Soap making	Foreign pumpkin-seed oil would be competitive for this purpose with domestic soap oils and fats, both vegetable and animal, such as lard, tallow, soybean, peanut, cottonseed and corn oils and with domestic hydrogenated drying oils, such as linseed, fish, and whale oils, etc.	Andes, p. 102.
Do	Burning oil		Lewkowitsch, Vol. II, pp. 164-166; Andes, p. 102.
Do	Illuminating		Wright and Mitchell, p. 538.
Do	Adulteration		Lewkowitsch, Vol. II, pp. 164-166; Wright and Mitchell, p. 539.
Do	Vermifuge		Wright and Mitchell, p. 538.
Do	Lubrication		Andes, p. 102.
Safflower oil	Edible purposes	For margarin and lard substitutes, foreign safflower oil. when hydrogenated, would be competitive with domestic hydrogenated oils such as corn, cottonseed, soybean, and peanut oils, hydrogenated whale and fish oils; also domestic, lard, butter, and tallow. As a salad oil, foreign safflower oil would be competitive with the following domestic salad oils: Corn, cottonseed, and peanut oil.	Lewkowitsch, Vol. II., pp. 106—111; Elsdon, pp. 183, 184; Wright and Mitchell, p. 574.
Do	Soap making	Imported safflower oil would be competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oils, etc.; also with domestic tallow.	Lewkowitsch, Vol. II., pp. 106-111.
Do	Linoleum	Domestic safflower oil when available, would be competitive with foreign oils, such as perilla, tung, hempseed, n'gart, lumbang, etc. Imported safflower oil would be competitive with the domestic product and also with domestic menhaden oil.	Lewkowitsch, Vol. II, p. 111.
Do	Burning oil		Do.
Do	Paints and varnishes	Imported safflower oil for this purpose would be competitive with domestic drying oils, such as linseed, soybean, walnut, hempseed, etc. Domestic safflower oil when available would be in competition with similar foreign drying oils, such as perilla, lumbang, tung, hempseed, etc.	Elsdon, pp. 183, 184; Wright and Mitchell, p. 574.
Sarvarri fat (Suari fat or Surahwa fat).	Edible purposes	For margarine and lard substitutes it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter; edible tallow; lard, edible hydrogenated fish and whale oils, etc.	Elsdon, pp. 294, 295.
Do	Soap making	If imported, it would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Candle making	If imported it would be competitive for this purpose with domestic tallow and other hard fats.	
Shea butter (Bambuk butter, Karite oil, Galam butter).	Edible purposes	For margarine and lard substitutes it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, and lard; edible hydrogenated fish and whale oils, etc.	Lewkowitsch, Vol. III, p. 58; Mitchell, p. 89; Wright and Mitchell, p. 631; Hilditch, p. 97.
Do	Soap making	If imported it would be competitive for this purpose with all domestic soap-making oils and fats including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	
Do	Candle making		Holde, p. 440.
Stillingia oil	Paints and varnishes	If imported, stillingia oil would be competitive with domestic linseed and menhaden oils.	Lewkowitsch, Vol. II, p. 92; Elsdon, p. 184; Hilditch, p. 107; Laucks, p. 41; Wright and Mitchell, p. 575.
Do	Soap making	If imported, stillingia oil, when hydrogenated, would be competitive with domestic oils and fats yielding hard soaps such as tallow, cottonseed, olive, peanut, hydrogenated fish and whale oils, and for soft soaps, it would be competitive with domestic drying oils such as linseed, soybean, menhaden, herring, etc.	
Tomato-seed oil	do	For margarine and lard substitutes, domestic tomato-seed oil, when hydrogenated, and if available would be competitive with foreign vegetable fats, such as coconut, palm-kernel oil, and similar fats, and with hydrogenated whale, fish, soybean, peanut and corn oils, etc.; imported tomato-seed oil for this purpose would compete with domestic butter, lard, hydrogenated peanut, corn, and soybean oils. For salad oils, such foreign oils as poppy-seed, rape, kapok, and sesame would be competitive with domestic tomato-seed oil; imports of peanut, sunflower, soybean, and olive oils would also be competitive with domestic tomato-seed oil for this purpose; imported tomato-seed oil would be competitive with domestic peanut, corn, and cottonseed oils for salad oil.	Elsdon, pp. 210, 211; Andes, p. 98.

Condensed summary concerning interchangeability of oils and fats—Continued

PART II. OILS AND FATS NOT MENTIONED SPECIFICALLY BUT ENTITLED TO ENTRY UNDER BASKET CLAUSES OF TARIFF BILL (H. R. 2667)—Continued

Oils and fats not mentioned specifically but entitled to entry under basket clauses of tariff bill (H. R. 2667)	Uses	Possible substitution or interchangeability	Authorities cited
Tomato-seed oil	Soap making	Domestic tomato-seed oil would be, if available, in competition with foreign soap oils and fats, both vegetable and animal, such as hardened fish oils and hardened marine-animal oils and most of the liquid and solid vegetable oils and fats, including coconut, palm-kernel, soybean, rape, and mustard oils, etc. Imported tomato-seed oil would also be competitive for this purpose with domestic soap oils and fats, both vegetable and animal, such as lard, tallow, hardened fish, soybean, peanut, whale, cottonseed, and corn oils, etc.	Andes, p. 98; Elsdon, pp. 210, 211.
Tucan-kernel oil	Edible purposes	For margarine and lard substitutes it would be competitive with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard; edible hydrogenated fish and whale oils, etc.	See under "Palm-kernel oil."
Do	Soap making	It would be competitive for this purpose with all domestic soap-making oils and fats, including cottonseed, soybean, peanut, and corn oils, and hydrogenated drying oils, such as linseed oil, fish oils, whale oil, etc.; also with domestic tallow.	Do.
Do	Same uses as palm-kernel oil.	----------	Do.
Walnut oil	Edible purposes	As a salad oil it would be competitive with domestic oils, such as olive, cottonseed, corn, peanut, soybean, etc. For margarine and lard substitutes it would be competitive, when hardened, with domestic oils and fats, such as hydrogenated cottonseed, corn, soybean, and peanut oils; butter, edible tallow, lard; edible hydrogenated fish and whale oils, etc.	Mitchell, p. 71; Elsdon, pp. 185, 186; Andes, p. 130; Laucks, p. 42; Wright and Mitchell, pp. 584, 585.
Do	Paints	As a paint oil it is used chiefly in Europe in the making of artists' colors; in China and Europe it is used to some extent for edible purposes. It would be competitive with linseed, safflower, and poppy-seed oils for this purpose.	Mitchell, p. 71; Lewkowitsch, Vol. II, pp. 102, 103; Laucks, p. 42; Andes, p. 130; Wright and Mitchell, pp. 584, 585; Hilditch, p. 110.
Do	Soap making	When hydrogenated, it would be competitive with oils and fats yielding hard soaps such as tallow, hydrogenated cottonseed, olive, peanut, fish and whale oils, and for soft soaps, it would be competitive with domestic drying oils such as soybean, menhaden, herring, linseed, etc.	Lewkowitsch, Vol. II, p. 103; Andes, p. 130; Laucks, p. 42.
Do	Burning oil	----------	Andes, p. 130; Wright and Mitchell, pp. 584, 585.
Do	Adulteration	----------	Mitchell, p. 71; Lewkowitsch, Vol. II, pp. 102, 103; Laucks, p. 42; Wright and Mitchell, pp. 584, 585.

Mr. KEAN. Mr. President, I ask unanimous consent to take up my amendment to paragraph 52 of the tariff bill.

The VICE PRESIDENT. Let the amendment be reported for the information of the Senate.

The CHIEF CLERK. The Senator from New Jersey [Mr. KEAN] offers the following amendment: On page 23, line 20, strike out lines 20, 21, and 22 and insert in lieu thereof:

PAR. 52. Menthol, 30 cents per pound; camphor, crude or natural, 1 cent per pound; refined or synthetic, 6 cents per pound.

The VICE PRESIDENT. The amendment of the Senator from New Jersey seeks to amend the committee amendment, which has already been agreed to, and is not in order at this time, except after reconsidering the motion by which the committee amendment was agreed to.

Mr. SMOOT. A number of Senators have spoken to me about it, and I have no objection to a reconsideration so far as I am concerned.

The VICE PRESIDENT. Is there objection to a reconsideration of the vote by which the former amendment was agreed to? The Chair hears none, and that vote is reconsidered. The question now is upon the amendment proposed by the Senator from New Jersey, which will again be read for the information of the Senate.

The Chief Clerk again read Mr. KEAN's amendment.

Mr. SMOOT. I ask the Senator from New Jersey to agree to a modification of his amendment in line 2 by striking out the word "or" the first time it occurs. It reads "crude or natural," and it should read "crude, natural."

Mr. KEAN. I have no objection, of course.

The VICE PRESIDENT. The amendment to the amendment will be modified accordingly.

Mr. GEORGE. Mr. President, will the Senator from New Jersey yield?

Mr. KEAN. Certainly.

Mr. GEORGE. Let me make an inquiry. I do not want the amendment submitted to the Senate so that if one were disposed to vote for a portion of the amendment he would be compelled to vote against the whole of it in order to register his real views. Menthol is given a rate of 50 cents per pound. I understand the Senator's amendment proposes to reduce that to 30 cents?

Mr. KEAN. Yes.

Mr. GEORGE. I inquire if that was not done previously?

Mr. KEAN. Yes; it was.

Mr. GEORGE. That being true, it seems to me the Senator should direct his amendment primarily to that portion of the paragraph which he wishes to change, because I would not want to vote against his amendment which reduces menthol from 50 to 30 cents, that action having already been taken by the Senate, though I might not be willing to vote for some other feature of the amendment.

Mr. KEAN. What I would like to do is to get it so amended that synthetic camphor is given a rate of 6 cents a pound. That is what I am trying to accomplish.

Mr. GEORGE. I understand the Senator; but I think it would be fair to separate the items, inasmuch as there is perhaps no disagreement about some of them and as to others there is some controversy. I ask unanimous consent that so much of the Senator's amendment as relates to menthol be agreed to so that the one remaining thing will be synthetic camphor.

Mr. SMOOT. That has already been agreed to.

Mr. GEORGE. Yes; but we are reconsidering it.

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. May not the amendment be divided on the suggestion of any Senator?

Mr. GEORGE. I have asked that it be divided and that has been agreed to.

Mr. FESS. It does not take unanimous consent. Anyone can have it divided upon request.

Mr. GEORGE. I ask unanimous consent that the rate of 50 cents per pound on menthol be reduced, as proposed by the Senator from New Jersey, and as heretofore voted by the Senate, to 30 cents per pound, so that the only matter in controversy will be the duty on synthetic camphor.

Mr. ALLEN. Mr. President, may I ask what is the present duty on menthol?

Mr. SMOOT. It is 50 cents.

Mr. ALLEN. The amendment pending proposes to fix the rate as it is at present?

Mr. KEAN. To reduce it.

Mr. SMOOT. The present rate is 50 cents and the Senator's amendment proposes to reduce it to 30 cents.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from New Jersey? The Chair hears none, and it is so ordered. The question is now upon that part of the amendment remaining relating to the rate on camphor, refined or synthetic.

Mr. KEAN. Mr. President, when this question was before the Senate on a previous occasion, the objection was made that there was no synthetic camphor being produced in this country, although Senator Edge, senior Senator from New Jersey at that time, assured the Senate that a plant was being constructed and that in a short time it would be producing synthetic camphor. I now have a letter with relation to that matter, dated February 4, reading as follows:

BELLEVILLE, N. J., *February 4, 1930.*

Senator HAMILTON F. KEAN,
United States Senate Office Building, Washington, D. C.

DEAR SENATOR KEAN: We are happy to report that we are on a basis of 500 pounds per day and expect to raise this capacity as quickly as possible.

For your information, I am quoting the following few paragraphs from a letter received from the Fiberloid Corporation:

"GENTLEMEN: The 2-pound sample of Belle camphor left here by Mr. Bianchi last week has been tested and found quite good.

"The heat test shows very little discoloration, and the color of a 50-50 solution of the camphor is only a little darker than that made with foreign synthetic camphor.

"H. E. NIMS, *Chemical Director.*"

I will advise you of any further developments.

Very truly yours,

BELLE CHEMICAL CO.,
JACOB V. SMEATON, *President.*

Mr. President, I am not going to discuss at length the advantage of synthetic camphor made in the United States, because on a previous occasion the Senate heard a full discussion of the subject and is fully informed upon it. I would merely like to call the attention of the Senate to two or three facts.

In the first place, synthetic camphor is made out of turpentine, which, as we all know, comes from the South. Twenty-one gallons of turpentine make 100 pounds of synthetic camphor. I am informed by the Chemical Warfare Division that if we should have another war this country would need for the Army and Navy of the United States 671,000 pounds of camphor per year. My only thought in this connection as to its practical chemical uses is that if it is essential to the Army and Navy of the United States we should see to it that there is some plant in the country for its manufacture, so we will not be in the position in which we were during the late war, where we could not obtain the necessary supply for our Army and Navy.

That, I believe, is all I care to say on the subject, because previously there was a long discussion of the matter.

Mr. LA FOLLETTE. Mr. President, as the Senator from New Jersey [Mr. KEAN] has said, this matter was discussed at some length when the committee amendment was pending. However, in order that the Senate may understand just exactly what the situation is, I wish to recapitulate briefly some of the facts which were brought out at that time.

It is true that the rate now proposed by the Senator from New Jersey, which was rejected by the Senate when we had the matter up for consideration several months ago, is the rate in the existing law. Senators should understand that in 1922, when the Fordney-McCumber tariff bill was under consideration there appeared before the committees of Congress representatives of a concern which declared that they needed the increased duty on synthetic camphor in order that they might produce it in the United States. Evidently, their statement to the committee impressed it, because it was enacted into law. The facts are, however, that the company, while it subsequently endeavored to make synthetic camphor, failed to do so. It had a contract with the German concern which owned the patented process, and my information is that the company failed to produce the camphor and made a settlement with the German company for failure to carry out its contract.

Mr. President, I am unalterably opposed to the imposition of tariff rates upon commodities which are not produced in the United States. In order that we may have the information upon which to predicate any tariff duty it is absolutely necessary, if the judgment of the Congress is to be sound, that facts be presented which can only be available when production in the United States has gone beyond the laboratory stage. The company to which the Senator from New Jersey referred is the Belle Chemical Co. It was organized to take over, according to my information, two chemical companies which had failed. It was a refinancing proposition. The company is authorized in its charter to manufacture lacquers and other materials, so it can not be maintained that the company has made its investment purely upon the theory that it was to manufacture synthetic camphor exclusively. It has an authorized capitalization

of $500,000. My information is that only $250,000 of the amount has been paid in.

Senators should remember that synthetic camphor has been imported into this country in large quantities. In 1928 the importations, according to the Summary of Tariff Information, amounted to 2,291,984 pounds. If the Belle Chemical Co. continues its production at the rate which the Senator from New Jersey has mentioned, it would produce in the next year, operating 365 days, but 182,500 pounds of synthetic camphor.

Mr. President, the Senator from New Jersey proposes that in order to stimulate the development of a little chemical corporation in his State we shall impose a duty of 6 cents a pound on synthetic camphor, when it is perfectly obvious that even with a miraculous expansion this company could not hope to supply a material part of the consumption of synthetic camphor in the country.

Mr. President, it is interesting to note that on page 253 of the Summary of Tariff Information this statement is made:

> Competition offered by the German synthetic camphor since 1920 has resulted in price reductions in the Japanese article.

Japan has a monopoly of crude and refined natural camphor. The only competition which the Japanese monopoly has in the American market has been furnished by the synthetic camphor manufactured abroad, and, as stated by the Tariff Commission, that competition from abroad, with the natural camphor controlled by the Japanese monopoly, has forced a reduction in price to the consumers in this country.

If the expectations which the Senator from New Jersey optimistically entertains were to be realized, it is perfectly obvious, nevertheless, that the continuation of this duty would keep up the price of camphor in the United States.

I would not object to levying a duty which would fairly represent the difference in the cost of production at home and abroad, but we have no information, Mr. President, as to what the cost of the production of synthetic camphor in the United States is to be, excepting the ex parte evidence offered by this small New Jersey concern, based upon estimates of what its production costs are to be.

Mr. COPELAND. Mr. President, will the Senator from Wisconsin yield?

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

Mr. LA FOLLETTE. I yield to the Senator from New York.

Mr. COPELAND. Will the Senator kindly repeat how much synthetic camphor could be made here? He gave the figures, and they certainly represented a very small amount.

Mr. LA FOLLETTE. The Senator from New Jersey stated that recently this little chemical company in New Jersey had reached a production of 500 pounds per day. They say, of course, that they hope to expand that production as rapidly as possible, but, on the basis of 500 pounds a day, if they operated 365 days in the year, Sundays included, they would only produce 182,500 pounds of synthetic camphor annually.

Mr. COPELAND. What are the imports of camphor?

Mr. LA FOLLETTE. Against the importation of 2,291,984 pounds in 1928.

Mr. COPELAND. Is the concern mentioned by the Senator the only one in the country which is producing camphor?

Mr. LA FOLLETTE. To the best of my information, it is the only concern in the country that has even reached the point of experimenting with the production of synthetic camphor.

Mr. COPELAND. Has it gone so far as to determine that it can make it in quantity if the necessity were forced upon us by war, as referred to by the Senator from New Jersey?

Mr. LA FOLLETTE. The Senator from New York can speculate about that as well as I can, but, according to my information, the company is a small one. It has only $250,000 of paid-in capital at the present time. It is also engaged in other business; it is not exclusively engaged in the manufacture of synthetic camphor. I repeat, however, the Senator from New York can speculate as well as I can as to how rapidly that company might be able to expand its production; but certainly it is perfectly obvious that an expansion which is not within reason would have to take place to enable it to supply an important part of the domestic market. I am reliably informed, Mr. President, that the 6-cent rate which the Senator from New Jersey is advocating will not afford sufficient protection to enable the large-scale production of synthetic camphor in the United States.

Mr. COPELAND. Mr. President——

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

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. I know the Senator from Wisconsin is sympathetic to American industry if it can be developed so that it can actually do the business. Is it the Senator's feeling that if we were to levy such a high tariff rate as in a sense to amount to an embargo, or at least to reduce the importations from abroad—and that would be a prospective benefit, of course—there would be any hope at all that the domestic industry could be substantially developed?

Mr. LA FOLLETTE. Mr. President, of course I am not in a position to state from my own knowledge, but it is my firm conviction, from the investigation I have made of this subject, and from such informal but official information as I can obtain, that even a 6-cent duty will not afford sufficient protection to insure the development of a substantial synthetic-camphor industry in the United States.

Mr. COPELAND. What is the rate now?

Mr. LA FOLLETTE. The rate now is 6 cents.

Mr. COPELAND. The rate in the present law is 6 cents?

Mr. LA FOLLETTE. That is the rate provided by the existing law, and the Senator from New Jersey proposes to reenact that rate. I made that statement, I think, before the Senator from New York came in.

Mr. COPELAND. In face of the rate levied by the present law, the production of the company referred to by the Senator did not exceed the minute quantity of synthetic camphor which has been indicated?

Mr. LA FOLLETTE. The production of synthetic camphor in the United States is in the experimental stage. I wish to reiterate that in 1922 the Congress was induced to impose a high rate of duty on synthetic camphor on the representations of a chemical company in St. Louis that if such a rate were provided that company could produce synthetic camphor in the United States. They made the experiment and failed. During all of those eight years we imposed upon the consumers of synthetic camphor in the United States a terrific increase in duty, with no beneficial results to the American industry. I take the position that, after such an experience, Congress is not justified in the continuation of the high duty in view of the fact that there is no appreciable production in the United States.

Mr. KEAN. Mr. President——

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

Mr. LA FOLLETTE. I yield to the Senator from New Jersey.

Mr. KEAN. Does not the Senator think that the production is appreciable when the company engaged in the manufacture of camphor, starting from nothing about five months ago, is now producing 500 pounds a day? Does not the Senator think that is a pretty fair start?

Mr. LA FOLLETTE. Mr. President, the company has been experimenting, according to my information, for some time, and it has only recently begun the production of any synthetic camphor at all. My information is that the trade is not as yet aware of the production by the company.

A good deal has been made of the fact, Mr. President, that the Pyroxylin Manufacturers' Association, representing the consumers of synthetic camphor, were sympathetic to the retention of the duty provided by existing law. The Pyroxylin Manufacturers' Association is dominated, however, by the Du Pont Co., and the Du Pont Co. itself is asking for duties upon other commodities in the chemical schedule in advance of any commercial production in the United States. Therefore it is not strange to find that organization taking the position that they are willing to have this duty upon synthetic camphor imposed in advance of its production.

Mr. ALLEN. Mr. President——

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

Mr. LA FOLLETTE. I yield to the Senator.

Mr. ALLEN. The Senator from Wisconsin concedes, does he not, that it would be a good thing if we could manufacture synthetic camphor in quantity in this country?

Mr. LA FOLLETTE. I feel about synthetic camphor as I do about any other manufactured product; I should be glad to see an efficient and successful American industry established, but I am satisfied that, under the rate of duty proposed by the Senator from New Jersey, no satisfactory production can be brought about in the United States. After eight years of experience in which the Congress imposed a terrific increase in the duty, upon the allegation by a concern that it was going to produce, no production having been obtained, I take the position that the Congress of the United States is not justified further in continuing that high rate of duty.

Mr. ALLEN. Is it any less probable that we might build a synthetic camphor industry in this country than it was that we

could build a great dye industry when the controversy was on touching the possibility of building a dye industry in this country?

Mr. LA FOLLETTE. I think if we were willing to adopt an embargo upon synthetic camphor that we might produce synthetic camphor in this country; but, of course, the Senator must realize that the price of a commodity such as synthetic camphor can become so high that it will no longer be used for the purposes for which it is now being used in the trade. It is possible to increase the price to such an extent that it becomes prohibitive to the consumer.

Mr. ALLEN. Camphor is now being used, as I understand, not so much as a drug product as one which goes into manufactured articles.

Mr. LA FOLLETTE. Oh, no; synthetic camphor is not used as a drug product; it is used in the manufacture of safety glass, for instance, for automobiles.

Mr. ALLEN. And in the making of celluloid.

Mr. LA FOLLETTE. And in the making of celluloid products. Since I have mentioned that, I should like to say to the Senator that I would be glad to see the automobiles of the country equipped with safety glass. I think it would be a good thing for the public, and I do not want to see a duty imposed which will retard the use of safety glass when it seems to me such a weak case has been made for the imposition of the duty.

Mr. ALLEN. I think the Senator has answered the question. I merely wanted to get his viewpoint touching the desirability of establishing in this country great industries which there is a probability of establishing if sufficient protection is afforded.

Mr. LA FOLLETTE. Yes. Mr. President, I am willing to give adequate protection when the facts may be ascertained and a case made for it, but I am unalterably opposed to imposing duties in advance of domestic production. The Senator from Kansas will realize that the moment we attempt to do that we are in an entirely speculative field; we have no figures as to domestic cost of production to compare with costs abroad, and all pretense of basing the duty upon scientific principles is wiped out.

Mr. ALLEN. But I understand we are still looking after infant industries now and then.

Mr. LA FOLLETTE. Yes; there is no question about that, Mr. President, and we are still looking out for industries on the theory that they are infants when they have grown to be giants.

Mr. COPELAND. Mr. President——

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

Mr. LA FOLLETTE. I yield to the Senator from New York.

Mr. COPELAND. I did not catch exactly what the Senator from Wisconsin said to the Senator from Kansas about the Du Pont Co. Is it the impression of the Senator from Wisconsin that the Du Ponts control the company that he mentions?

Mr. LA FOLLETTE. No; what I said was that in the debate previously something had been made of the fact that the Pyroxylin Manufacturers' Association, representing in part consumers of synthetic camphor, were willing to have the duty retained which is now proposed by the Senator from New Jersey. In answer to that I said that I was not surprised by the attitude of the association, because, according to my information, the Pyroxylin Manufacturers' Association is dominated by the Du Pont Co., and the Du Pont Co. is asking for duties upon chemicals in this schedule in advance of any domestic production. Therefore it does not seem strange to me that they are not criticizing some other concern interested in another product in the chemical schedule which is asking for duties in advance of domestic production.

Mr. COPELAND. I thank the Senator.

When we had this matter up before, the direct question was asked of the then Senator from New Jersey, Mr Edge——

Mr. LA FOLLETTE. What page is that, please?

Mr. COPELAND. Page 5137 of the RECORD of November 4, 1929. The Senator from Massachusetts [Mr. WALSH] asked this question:

> May I inquire of the Senator from New Jersey if this embryo company in New Jersey has any connection with the Du Pont syndicate?

The Senator from New Jersey, Mr. Edge, replied:

> My information is that they are not connected in the slightest way. I am likewise informed that the capital invested is almost entirely local capital.

At the time I read a letter from Mr. Nixon, who is one of the makers of nonshattering glass. He made an appeal to me about synthetic camphor, and pointed out the importance of having a domestic supply of it because of the development of that industry. Upon consulting the RECORD I find that I brought that out, and stated that for my part I was willing to give these people another chance. I remember that at the time the Senator from Wisconsin was a bit sarcastic to me, I thought.

Mr. LA FOLLETTE. I am sorry; I shall be glad to correct that.

Mr. COPELAND. It is quite all right. He said:

> If the Senator from New York wants to try it again for another 6 or 8 or 10 or 12 years, he is welcome to vote that way.

I am inclined to believe, after the passage of these several months, that we ought to give them that other chance.

Mr. LA FOLLETTE. I am sorry that neither my serious nor my sarcastic arguments have made any impression upon the distinguished Senator from New York.

Mr. COPELAND. Mr. President, the Senator has made a very strong statement; and if it were not for the fact that conditions have changed a bit I might take a different view.

The other day I was making an argument about straw hats. I spoke about the wood-shaving hats made in Italy which had developed entirely since the Tariff Commission passed upon the subject. In this case, if it is true that this chemical is necessary for making nonshattering glass, my interest in that invention for the sake of humanity is such that I do not want to discourage it in the least.

As I have said before, if I had my way I would require all the glass in every public vehicle to be nonshattering glass, because of what it means in the saving of life and limb. So, here, if it is possible that by developing the synthetic camphor business we may promote the making of nonshattering glass, I am inclined to feel that we ought to continue the old rate.

Mr. LA FOLLETTE. Mr. President, in my judgment the Senator is imposing an additional hindrance to the general equipment of automobiles with nonshatterable glass by continuing this high rate of duty on synthetic camphor until we may have another general tariff revision, on the theory that this little company up in New Jersey will finally get into production and expand its present capacity from 182,500 pounds a year to 2,291,984 pounds, which was the importation in 1928.

Mr. President, I should like again to call the attention of the Senate to the fact that in 1924 the unit price of synthetic camphor was 55 cents a pound. In 1925 it was 50 cents per pound. In 1926 it was 53 cents per pound. In 1928 it was 35 cents per pound. The price of synthetic camphor has been falling; and the Tariff Commission takes the responsibility for the statement that the reductions in the price of synthetic camphor from Germany have forced the Japanese monopoly to bring down their prices, thereby giving to the consumers of synthetic camphor in America a protection against the Japanese monopoly.

I do not wish to detain the Senate longer before we have a vote upon this question; but I sincerely hope that a majority of the Senate will not put itself on record as being in favor of imposing duties upon commodities in the United States which can scarcely be said to have gone beyond the experimental stage.

Mr. HARRISON. Mr. President, I can not follow the conclusions reached by the Senator from Wisconsin with reference to this matter. He appreciates, and we all appreciate, that in these experiments in making synthetic camphor it is not a question of a day nor a week, nor a month. Sometimes these discoveries are made after years of investigation. Germany has forged to the front very rapidly in the manufacture of these synthetic products, and she has forged to the front in the manufacture and production of synthetic camphor. It is not particularly to the credit of the chemists of America that we have not been able to discover a synthetic process of making this material. It is not particularly to the credit of American capitalists engaged in the chemical industry that they have not erected plants for this purpose and gone into the business. It may be that their excuse for it is that they have not yet found that they can manufacture this product in competition with Germany. I do not know; but, to be perfectly frank, the thing about this proposition that appeals to me is twofold.

One is that there is a related industry in the South. In the consideration of this bill I have tried to conduct myself so that I should not ask for something for my particular section and vote against things that were desired in other sections. I have asked for nothing so far in this discussion for my State or for my section; but a naval stores industry exists there. It produces turpentine and resin. It is quite an industry, and I know of no industry, so far as my section is concerned, or the whole country, that has had harder sledding in the past decade than the naval stores industry. The price of resin has been low; the price of turpentine has been low; they have had to struggle, and struggle hard, in order to make ends meet, and at that they have not done it.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Is it not a fact that that industry is on export basis?

Mr. HARRISON. It is.

Mr. LA FOLLETTE. And turpentine.

Mr. HARRISON. And they export some turpentine; but the price of the product has been so low during the past decade that I know of my own knowledge that the turpentine and resin industry is in very bad condition.

Mr. LA FOLLETTE. I understand that, and, if the Senator will pardon me, I am sympathetic with his desire to help it; but as long as that industry is on a big export basis I fail to see how the Senator hopes to benefit it by the creation in this country of an industry which will purchase a part of its products.

Mr. HARRISON. I hope I may possess the ability, before I shall have concluded, to convice the Senator of the correctness of my position.

Of course, this is not the only country that produces turpentine and resin. They are produced in southern Europe. They are produced, possibly, in some other countries of the world. But the South peculiarly produces pine trees for turpentine and resin production; and I know that if we could create in this country an industry for the production of a lot of synthetic camphor so that it did not come in here from Japan and from Germany, it would give that much wider and bigger field for the utilization of turpentine, and at the same time compel competition in the sale of synthetic camphor.

That is one matter that enters into my consideration of this question.

I appreciate that in 1922, when these people came before the Ways and Means Committee and asked for rates on synthetic camphor, they asked for even higher rates than 6 cents a pound. They were given 6 cents a pound; and, as graphically and eloquently depicted by the Senator from Wisconsin, they said then that they wanted to start an industry out in Missouri somewhere, and with that rate they thought they could go ahead and do business. Well, they did not do it; but the facts are before us now that while there is a very small production, there is some production; that while there is but one institution making synthetic camphor, that institution is now making 500 pounds a day. That is a very small amount; and, as I say, it is not particularly to the credit of our people in this country that it is not more.

I do not know but that they started in that business relying upon the fact that the tariff protected them at least to the extent of 6 cents a pound; and, occupying as I do a seat in this body, I do not feel that it is fair to that particular industry—and I do not know who they are—that we should reduce the tariff so greatly at one fell swoop. From 6 cents a pound we are asked here to do something that has been done in no other paragraph of this bill. It has not been hinted in any other paragraph of this bill that such a reduction should be made on any item, and yet that is what we are asked to do here. The rate of the present law is 6 cents a pound. It is said that because only 500 pounds a day are being produced now in the United States, although these people say they are going to produce more, we ought to reduce the rate from 6 cents a pound to 1 cent a pound. Are we not willing to give them a chance, especially so when the results might be so beneficial?

I have looked at the Underwood law; and, while I do not suppose any synthetic camphor was being made in any country at that time, and it was on all fours with refined camphor, even the Underwood law carried a rate of 5 cents a pound. So I submit that the Senator from Wisconsin is going too far in trying to reduce the rate from 6 cents a pound to 1 cent a pound. I hope, therefore, that that action will not be taken by the Senate.

I wonder if the Senator from Wisconsin could not agree with us, say, on a rate of 5 cents a pound, possibly, on this product—1 cent a pound less than the present law. I know that the Senator, like myself, does not desire to do any injustice to or injure any particular industry; and I know that if he knew that these people went into the manufacture of even 500 pounds of synthetic camphor a day, thinking that they had this 6 cents protection, he would not want now to take it away from them, because he does not want to do any injury to anybody.

Mr. LA FOLLETTE. Why, Mr. President, before they ever got to producing a pound of camphor synthetically they had notice from the House committee which made this reduction. The House committee reduced the rate on synthetic camphor to the same rate that applies on crude camphor.

Mr. HARRISON. Yes; I appreciate that the House reduced it; but I know of no other instance here where the crude product is put at 1 cent a pound and the refined product is put at none. Certainly they are entitled to some compensatory duty. I have never heard it suggested by anybody that they are not.

Mr. LA FOLLETTE. The Senator has misspoken himself. The crude and the synthetic camphor, which compete, are on the same basis. The refined camphor has a duty of 6 cents a pound.

Mr. HARRISON. As I understood it, the amendment was to put refined camphor also at 1 cent a pound.

Mr. LA FOLLETTE. No; the Senator is mistaken.

Mr. HARRISON. I was in hopes the Senator would agree to, say, 5 cents a pound on this product.

Mr. WATSON. Mr. President, will the Senator from Mississippi yield for a question?

Mr. HARRISON. I yield.

Mr. WATSON. We have in the United States, have we not, all the raw material necessary for the manufacture of this product in abundance?

Mr. HARRISON. Oh, yes.

Mr. WATSON. If with the 6 cents a pound tariff the industry has been stimulated to the point where it produces 500 pounds a day, and that only, what would be the effect of reducing the tariff? Why reduce it?

Mr. HARRISON. I do not know whether or not the 6 cents would equalize the difference between the cost at home and the cost abroad; I do not know about that. The Senator from Wisconsin said that formerly the Japanese had controlled the market, and because Germany has discovered the synthetic process, they were now battling and had taken the market. The Germans did that with the 6 cents a pound rate in effect. They did not do it because it was 1 cent. I am not here trying to raise a rate. I am merely trying to maintain the situation of those who went into this particular industry at the invitation of that rate. I think it is right for the Senate to maintain the rate in this case; at least, it should not reduce it to 1 cent a pound. I thought 6 cents was about fair.

Mr. SMOOT. Mr. President, I hope the Senate will maintain the 6-cent rate. Let us not take off enough of the rate so that the producers may come in and complain that we destroyed the industry in the United States. I would not give them any more than 6 cents, but I think they ought to have that much. They say they are going to develop this industry. It seems to me we should not compromise the matter, but should give them the 6-cent rate.

Mr. LA FOLLETTE. Mr. President, Senators must remember that crude camphor and synthetic camphor compete. There is no competition between synthetic camphor and refined camphor.

The situation is this: The Japanese have a monopoly of all natural camphor. For commercial purposes the crude and the synthetic compete. If the Senate desires further to reduce the price of crude camphor, which is controlled by the Japanese monopoly, it has an opportunity to do so by putting the duty upon the synthetic and the crude, which compete in the commercial market, upon the same rate.

The Senator from Mississippi says that he is interested in the high duty because of the turpentine which might be used by the synthetic industry if and when it ever develops to any substantial degree in the United States. As I pointed out before, the production of turpentine is upon an export basis. According to the Summary of Tariff Information, the production of gum spirits of turpentine in 1928 was 31,549,082 gallons; of wood turpentine the production was 3,847,000 gallons, or a total of 35,396,471 gallons.

The exports in 1928 of gum spirits of turpentine were 12,507,098 gallons, of wood turpentine 1,042,472 gallons, or a total of approximately 13,000,000 gallons.

Mr. President, the Senator from Mississippi must see that there would have to be a perfectly enormous and phenomenal development in the snythetic-camphor industry in the United States—which there are no facts to warrant us in supposing will take place—in order to absorb the exportable surplus of turpentine. So long as turpentine is on an export basis it will not get any benefit from the development of the synthetic-camphor industry in the United States.

In the second place, although there are no official figures available, I have been informed that approximately 10 per cent of our exported turpentine is now purchased by the manufacturers of synthetic camphor abroad.

Furthermore, if and when the synthetic-camphor industry ever develops, it will in the manufacture of synthetic camphor produce a by-product turpentine, of which there is not to-day one gallon imported. If a great synthetic-camphor industry is developed, which I think the facts do not warrant us in antici-

pating, then there will be a production of by-product turpentine which will further depress the turpentine market in the United States, to the detriment of the domestic producers of turpentine.

The House subcommittee went into this subject with great care, it heard all the witnesses, it took all the testimony, and then, in spite of the fact, as the Senator well knows, that the Ways and Means Committee was disposed to jack up the duties upon all products where there was a possibility of sustaining their action, and in many instances, I think, went beyond any rate justified by the facts, they were led to make this reduction in the House Committee on Ways and Means, and the House passed it.

The Senator from Mississippi takes the position in the Senate that he does not want to ratify one of the few reductions made by the House of Representatives in the extraordinarily high tariff rates of the 1922 law. I am sorry to find the Senator from Mississippi climbing up on the high-tariff wall, depicted in the cartoon in this morning's Baltimore Sun, upon such a weak case.

Mr. HARRISON. Mr. President, I have offered amendment after amendment, and have cooperated with others in trying to reduce certain rates in order to equalize conditions. I have cooperated with the Senators from the Northwest, including the Senator from Wisconsin and others, giving increased rates on agricultural products of that section. I happened to be on the committee considering that schedule. I have thrown no obstacle in their way, but sometimes when they tried to go too high I could not follow.

I believe in that system of tariff making which treats all industries, all sections, and all persons alike. I have seen gentlemen rush in here and try to get this for their particular State and that for their section, from casein to livestock, and from wool on down to sugar, and I have opposed some of those inordinately high proposals, but I have gone along with them in others.

I do not think this case is particularly material, but simply because I think the maintenance of a fair rate as might affect in some particular way the section from which I come, an industry which is in bad shape now, that it might in a very remote way—and I say it is a remote way—help it somewhat, I am not going to sit here and, with my vote, consent to a decrease in the rate on this product much greater than any other rate on any other product in this bill is decreased.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. LA FOLLETTE. Will the Senator explain how, with the turpentine industry, on an export basis to the extent of such a tremendous percentage, there could possibly be any development of the synthetic-camphor industry in this country that would benefit the price of turpentine?

Mr. HARRISON. Personally, I would rather see turpentine from the South used by the manufacturers of this country to make synthetic camphor than to have it go to the German manufacturers to make synthetic camphor, whether it brought any better price or not. And I assume, if the industry can be built up, that cost to the consumer will be reduced because of the raw product being accessible at home.

Mr. LA FOLLETTE. Mr. President, I will agree with the Senator about that, but the facts do not warrant the Senator in assuming that there is going to be any development in the synthetic-camphor industry in this country in consideration of the experience which we have had during the past eight years.

Mr. HARRISON. There is a good deal of force in what the Senator says about that, and I say it is not to the credit of American capital and of American chemists that they have not developed in this country the process of making synthetic camphor. The Senator heard me a moment ago say that some of the chemists give their whole life to the work of trying to discover and evolve some plan of meeting German competition in these synthetic processes. I was talking to a gentleman not long ago who told me that he had been working for five years to discover some way of treating wood fiber, and that he had not been able up to now to perfect it, but that now he felt he was just about to strike it. That is the way those things go; that is the way these discoveries are made.

I say it is not to the credit of American capital and American chemists that they have not manufactured in this country synthetic camphor, and I know that what they are manufacturing is almost infinitesimal, 500 pounds a day, but I can not for the life of me see why it is that they can not manufacture synthetic camphor in the United States as well as in Germany. I believe they will do it, with the impetus that has been given in the last few years to chemical research and to the discovery of various processes. But I say that it is unfair, in my opinion—it may not be in the minds of other Senators—when there is a rate of 6 cents a pound on the crude, and people go into research to try to evolve some method through the synthetic process of making camphor, and when they get started, then gentlemen come in and say, "Let us cut it all out, and reduce the rate from 6 cents down to 1 cent a pound." What hope do we hold out to chemists and those engaged in chemical research if the Government adopts such a policy?

That is not my philosophy of legislating. That, to me, is not fair. That, to me, is not right, and as a Senator of the United States I do not propose to approve any such thing as that.

This is not one of those great increases; this is not a proposal to go beyond the present law; it is not that at all. It is a proposal to the Senate to keep the rate on synthetic camphor what it is in the present law, 6 cents a pound.

I am willing to reduce the rate somewhat if the Senator desires, but I see no justification, in view of the fact that our people have gone into the business even to a small extent, for reducing it from 6 cents a pound down to 1 cent a pound. Let us give them a chance.

Mr. LA FOLLETTE. Mr. President, the justification for the reduction of the rate on synthetic camphor from the existing rate of 6 cents a pound to 1 cent a pound, the same rate which applies to crude camphor, is that synthetic camphor and crude camphor compete commercially. That is the justification for it.

The Senator from Mississippi takes the position that because unconscionable rates were imposed in the Fordney-McCumber Tariff Act of 1922 he does not think he is justified in voting for any reduction in those rates in case anyone has gone into the production of any article, even if it be only in an experimental stage.

Mr. HARRISON. The Senator did not understand me to say that, I think.

Mr. LA FOLLETTE. That is just exactly what I understood the Senator to say.

Mr. HARRISON. The Senator from Mississippi did not say that. The Senator was drawing this one particular illustration because there are many instances where the facts have justified and I have voted for reductions, and I will continue to vote for reductions in such cases.

Mr. LA FOLLETTE. The Senator just stated that, so far as he was concerned, where a rate of duty had been imposed in the Fordney-McCumber Tariff Act and some concerns had been busy experimenting and finding out whether they could make a product, even if they produced only a small amount, he was not going to cast his vote to reduce the duty.

Mr. HARRISON. No; I said reduce the duty from 6 cents to 1 cent a pound. There is a lot of difference between reducing a duty, and reducing a duty as much as from 6 cents a pound to 1 cent a pound. I suggested 5 cents a pound a while ago.

Mr. LA FOLLETTE. Mr. President, there is no justification for a duty on synthetic camphor because it competes with crude camphor.

Mr. BLACK. Mr. President——

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

Mr. LA FOLLETTE. I will yield in just a moment. I want to point out where the logic of the position of the Senator from Mississippi upon this amendment would take him. It means approval of the indefensible rates in the Fordney-McCumber Act imposed in 1922. Concerning the rates in that law the late senior Senator from Minnesota, Mr. Nelson, said the great industrial interests of the country came down to Washington with their schedules in their brief bags and got them written into the law. The Senator from Mississippi takes the position that because some of those indefensible duties may have stimulated a meager production in the United States, he is going to vote to continue to impose those high duties upon the consumers in the United States.

Mr. HARRISON. The Senator misquotes me.

Mr. LA FOLLETTE. I do not wish to misquote the Senator, but I think he will find, when he comes to read his statement, that I have repeated the substance of his remarks.

Mr. HARRISON. O Mr. President, I would vote to reduce the duty. I would vote to make it 5 cents or I would vote even to make it 4 cents, although I do not think it is justified by the facts. Does the Senator know of any other instance in the bill where he has proposed to reduce a rate where the percentages were so high as in this particular case?

Mr. LA FOLLETTE. No; but I will say to the Senator that the Ways and Means Committee were determined to increase the duties in the existing tariff law of 1922 wherever they thought they had a scintilla of evidence to stand on. But in the case of synthetic camphor, after a thorough investigation of the situation, which brought out all the facts, the Ways and Means

Committee reduced the duty on synthetic camphor and put it where it belongs, upon an equal footing with crude camphor. I think we should support the position taken by the House in this matter. I do not find myself in the same position as the Senator from Mississippi, with my hands tied by the indefensible rates imposed under the Fordney-McCumber Tariff Act.

Mr. President, if the Senator from Mississippi takes the Democratic Party into the next election upon the theory that it will not stand for the reduction of the duties in the 1922 law wherever they have stimulated a small amount of production, even though the facts do not warrant the anticipation that production will increase, I do not think the logic of his position will appeal to the citizenship of the country.

I yield now to the Senator from Alabama and apologize to him for keeping him waiting so long.

Mr. BLACK. I have not had the opportunity of hearing the entire debate, and I want to ask the Senator one or two questions to inform myself on the subject.

Mr. LA FOLLETTE. If I have the information, I shall be glad to give it to the Senator.

Mr. BLACK. I think the Senator has the information. As I understand it, there has been no synthetic camphor manufactured in this country, or practically none.

Mr. LA FOLLETTE. In 1922 a representative of a chemical concern came to Congress and asked to raise the duty on synthetic camphor to 6 cents a pound on the promise that they were going to produce it in this country.

Mr. BLACK. I understand that.

Mr. LA FOLLETTE. The company tried it and failed. Eight years have gone by, and, strangely enough, just as we are considering another tariff bill and after the House Ways and Means Committee thoroughly investigated the subject and reduced the duty on synthetic camphor to 1 cent a pound, there appears before the Finance Committee a manufacturer from New Jersey who has just taken over a couple of defunct chemical companies that went bankrupt and says he is going to produce synthetic camphor, repeating the old story that was told to the Senate and the House in 1922.

May I say to the Senator that on November 4 last, when this matter was under consideration, the Belle Chemical Co. wrote to the then senior Senator from New Jersey, Mr. Edge, and told him they hoped to be in production by the 1st of December. My information is that the trade is not yet aware of their activity; but the Senator from New Jersey [Mr. KEAN] read a letter saying they are producing 500 pounds a day. In view of the consumption in the United States, their present production might justly be termed a large-scale laboratory production, because, may I say to the Senator from Alabama, producing 500 pounds a day and working 365 days in the year would give them a total production in the year of only 182,500 pounds of camphor, whereas the importations for 1928 were 2,291,984 pounds of synthetic camphor.

Mr. BLACK. That was the question I wanted to ask. There was something over 2,000,000 pounds imported?

Mr. LA FOLLETTE. Yes; 2,291,984 pounds imported in 1928.

Mr. BLACK. Then, as I understand it, if we continue this high duty the consumers of camphor, awaiting the time when perhaps this dream may come into reality, will be compelled to pay a high price for their camphor on account of the increased duty?

Mr. LA FOLLETTE. A higher price than they would pay if we put the duty down to 1 cent, where the House put it and where it belongs, because synthetic camphor and crude camphor compete commercially in the United States.

Mr. BLACK. The only chance of reducing it after that tariff is put on would be to await the time when there was a largely increased production here among competitive companies.

Mr. LA FOLLETTE. Exactly; and may I say further to the Senator from Alabama that I am reliably informed from official sources informally that it is the opinion of experts that even the 6-cent duty will not develop a synthetic-camphor industry in the United States.

Mr. HEFLIN. Mr. President, I trust the Senate will follow the suggestion of the Senator from Mississippi [Mr. HARRISON]. It has been my understanding that those who believe in a tariff want to apply that principle to infant industries in the United States. Certainly this is an infant industry. The manufacture of synthetic camphor in our country is an infant industry. The Senator from Wisconsin [Mr. LA FOLLETTE] takes the position that two or three people have tried to make synthetic camphor and have failed, and therefore we should abandon the field to foreign competitors. That is not the American spirit. The American spirit is the spirit that laughs at impossibilities and cries, "They shall be overcome." We are going to manufacture this material. We are manufacturing it now on a small scale, and surely we are not ready to swoop down upon this little industry and kill it for the sake of helping some foreign industry.

We certainly are not ready to throw the door wide open and turn over the American market to foreigners.

Is that the way to promote American citizenship? Why, Mr. President, we are told that the House struck down this rate from 6 cents to 1 cent a pound. Is that any reason why the Senate should strike it down? Is that any reason why these people should go out of business? The Senator from Wisconsin has told us that notice has been served upon the industry by the action of the House. I deny it. We do not have enactment here until both Houses pass upon the question and the President approves the enactment. If we are going to permit the action of one House to halt people who are endeavoring to build up an industry in the United States, then we are laying down a new philosophy in this country. I do not believe in that procedure. The measure coming from the House has got to be agreed to by the Senate or rejected, and I want this one rejected. Each body acts independently of the other, as it should.

The naval stores people in the United States are going to be hurt right away on this amendment if it goes through. It ought not to be adopted. We ought to give a fair deal to those people in our own country who are seeking to build up an industry that is needed here. Let us extend a helping hand to them and give them a chance.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Alabama yield to the Senator from Wisconsin?

Mr. HEFLIN. I yield.

Mr. LA FOLLETTE. May I say to the Senator from Alabama that I doubt if 2,500 gallons of turpentine has been sold to this industry.

Mr. HEFLIN. But eventually it will be sold to this industry. It will be used. It is used for this purpose. Why kill this industry in its infancy?

Mr. LA FOLLETTE. That is just what occurred in 1922, and yet after eight years they are singing the same song again.

Mr. HEFLIN. That is what was said when men were seeking to fly through the air with machines heavier than air. They failed and failed and failed, until the Wright boys finally succeeded, and now men fly from continent to continent and around the world like birds flying through the air. It is an accomplished fact.

Mr. KEAN. Mr. President, I want to point out to the Senate that in 1923 the total amount of camphor imported into this country was 488,000 pounds. At the rate these people are manufacturing it at the present time their output would be equal to one-half of the camphor imported into the country at that time.

Mr. GEORGE. Mr. President, since the matter of naval stores has been brought into the discussion, I would like to say that the State which I in part represent in this body produces between 43 and 46 per cent of all the naval stores produced in the United States. The amount of turpentine used in the manufacture of synthetic camphor is not very material, and especially in the amount of camphor that is being made synthetically in this country.

Mr. President, it undoubtedly is true that when the 1922 act was passed those who wished to produce synthetic camphor said they would be able to do it if they had a duty. They were given a 6-cent duty, and ever since that time the American people have been paying 6 cents a pound more for their camphor, which was necessarily imported, than they otherwise would have paid, and in the meantime the domestic manufacturer went out of business entirely. It is not an infant industry. It is one that is not yet born. Now, another industry seeks the continuance of the duty. I do not know what capital they have invested. The Senator from Wisconsin [Mr. LA FOLLETTE] said it is some $250,000. If so, it would be a very profitable business transaction for the Congress to pay them back their capital stock which they can overdo in the form of the duty on synthetic camphor paid by the American people in any two years.

In 1927 we imported nearly 3,000,000 pounds, and the duty actually paid was $176,477. Are we going to continue that? Where is the sense in continuing it to mulct the American people, to retard every enterprise that is dependent upon synthetic camphor by the added cost of carrying on that enterprise here, all for the benefit of one industry with a capital of $250,000 and the industry yet in the experimental stage.

Mr. President, I would be unwilling for anyone coming from the States which produce turpentine, resin, or naval stores products, to think for a moment that this is even remotely going to benefit the producers of naval stores. I would be unwilling for anyone to think for a moment that that was the object or purpose of this amendment, because the same Finance Committee, which proposed to increase this duty from 1 cent a

pound to 6 cents a pound, refused to recommend any duty upon importations of naval stores into this country and struck down the House provision for a duty—a small duty at that—on pitch tar and oil of wood, a closely related product to naval stores.

I came on this floor and asked for the restoration of that small duty and got it, but naval stores are without protection; and it would not be of any particular consequence if they had it, I grant you, but nevertheless the producers of naval stores came here and wanted some protection. Most of us from the South discouraged them; we told them that they were on an export basis, that we were furnishing a large part of the naval stores of the world, and that there was no need to ask it; and that is not the object of this duty. The actual duty paid by the American people at the port of entry amounted to $176,000 in 1927, and nearly that amount in 1928; and yet we are told that this is a duty in which our naval-stores people are profoundly interested.

Mr. President, I know the difficulties of the naval stores operators I believe; I have just said that more than 40 per cent of the entire domestic production is in my State; they are hard pressed; but the rate proposed on camphor will not help them, nor will it help the users of synthetic camphor, nor will it cheapen those devices and improved methods we should like to see adopted by the automobile manufacturers of the country in the making of nonshatterable glass and other things. It will retard them. It will be nothing but a burden—a plain burden—susceptible of mathematical demonstration. It is simply two and two; that is all.

The producing concern in New Jersey is making 500 pounds a day, while we are importing nearly 3,000,000 pounds. There has been a duty on this article since 1922, and the American people paid out over $150,000 last year and in 1927 they paid out $167,000. For what purpose? For none on earth except the mad theory of the protectionist that if we shall build the tariff wall high enough we can manufacture anything profitably in this country whether it is economically right to do it here or not. We can maintain any kind of an industry if we will only put the burden high enough on the American consumer; but any man would say that the American consumer is entitled at least to have the Congress answer a simple question and that is, Is this industry suited to this country? Is it economically profitable to foster here? Does it promise anything in the future?

Mr. FLETCHER. Mr. President, may I ask the Senator a question right there?

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

Mr. GEORGE. I yield.

Mr. FLETCHER. Some persons are seeking to give the impression that synthetic camphor is made only in the United States; that the foreign camphor is the natural camphor gum, and that the importations are of the natural and not of the synthetic kind. I judge from what the Senator from Georgia has stated that we are importing not camphor gum or camphor spirits but synthetic camphor. Am I correct in that?

Mr. GEORGE. We are importing synthetic camphor, but the imports are not separated; the imports of natural and synthetic camphor are grouped together.

Mr. FLETCHER. Yes.

Mr. GEORGE. And the imports of natural and synthetic camphor have constantly increased since 1922.

Mr. FLETCHER. Mr. President, there is a very large importation of the natural camphor, and I had the impression that the importations of synthetic camphor were very inconsiderable; that the effort was to establish the industry in the United States, and that it was supposed that we would be able to make the synthetic camphor to take the place of the natural camphor.

Mr. GEORGE. In the statistics before me the imports were not separated, I will say to the Senator, but we are importing both, and we are importing considerable quantities, as I am advised, of the synthetic camphor. The synthetic camphor is made elsewhere; it is not made at all in the United States, except possibly by one concern, and the volume of production does not exceed about 500 pounds a day.

Mr. LA FOLLETTE. Mr. President, will the Senator from Georgia yield to me?

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

Mr. GEORGE. I yield.

Mr. LA FOLLETTE. On page 252 of the Summary of Tariff Information the Senator will find a table which separates the import statistics concerning camphor. Of synthetic camphor in 1928, we imported 2,291,984 pounds. Does the Senator find that table?

Mr. GEORGE. I have that table before me, but I thought it embraced both natural and synthetic.

Mr. LA FOLLETTE. No; crude natural, refined natural, and synthetic are separated in the table as the Senator will see.

Mr. GEORGE. I have not the table to which the Senator refers, but I have a similar table.

Mr. LA FOLLETTE. The table to which I refer is on page 252 of the Summary of Tariff Information.

Mr. GEORGE. I know that the importations of synthetic camphor are considerable and are constantly increasing, whereas our production has not increased.

Mr. SMITH. Mr. President, may I ask the Senator what is the volume of the domestic production of synthetic camphor?

Mr. GEORGE. It is in the neighborhood of 500 pounds a day, or about 180,000 pounds, possibly, a year, against importations ranging from two to three million pounds; and upon the total imports, of course, the duty of 6 cents a pound is collected.

Mr. President, I have been led to make these remarks because it does seem to me that this is not an industry that ought to be fostered at such tremendous cost to the American people; moreover, because it is very definitely indicated that those who want this duty are not seeking to aid naval stores; and furthermore, Mr. President, it will not aid naval stores; but finally, if it were to aid naval stores, I would not ask for this high duty, because I could not justify it upon any possible ground of advantage to the whole people of this country.

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

Mr. LA FOLLETTE. I ask for the yeas and nays.

Mr. HEFLIN. Mr. President, I desire to say merely a few words. I do not agree with the Senator from Georgia [Mr. GEORGE] that this amendment will not affect naval stores. I do not know that it was not intended to affect naval stores, but it does. How can anybody deny that it affects naval stores, when it is admitted that 16 pounds of every hundred pounds of material used in the making of synthetic camphor is turpentine drawn from the pine wood of the South? That is where it comes from mostly. So, when naval stores are used to make synthetic camphor, the contention that the promotion of the domestic synthetic camphor industry will not aid the producer of turpentine in the South can not well be sustained. Of course, the production of synthetic camphor affects naval stores of the South as well as of other sections of the country.

It does not make any difference to me that the synthetic camphor industry is in New Jersey, or in any other northern State; I am for American industries against foreign industries all the time. The admission of the Senator from Georgia that two or three million pounds of camphor come in while only one hundred and odd thousand pounds are made in the United States is proof positive that the foreigner now has the American market.

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

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. HEFLIN. I yield to the Senator from Utah.

Mr. SMOOT. I might call the Senator's attention to the fact that, of course, no turpentine is used at all in the case of natural camphor, and all the importations from Japan are of that kind of camphor. If we can manufacture synthetic camphor to take the place of natural camphor, then the turpentine of the United States will go into the manufacture of that synthetic camphor.

Mr. HEFLIN. Absolutely. The Senator is right; he agrees with my position and that of the Senator from Mississippi.

Mr. President, I want to see my country so well equipped with various enterprises and industries that we can make everything under the sun which we need in the United States and have a surplus to sell in the markets of the earth. I do not want to kill any American industry in its infancy. The fact that this industry is only producing about 500 pounds a day is evidence that it needs aid; it is battling against a giant industry that ships 3,000,000 pounds into the markets of our country annually. Why not give this little aid to this industry in the United States? It is said that it will cost a hundred and odd thousand dollars; but a hundred and odd thousand dollars sprinkled throughout 120,000,000 people is an infinitesimal amount.

Mr. President, let us be just at least to the industries of the United States.

Mr. BLACK. Mr. President, it is a matter of regret to me that I can not see this question as my colleague sees it. As a matter of fact, I am convinced that it is not only bad for the consumer, it is not only an unnecessary burden upon the consumers of camphor to assess the tariff rate proposed by the Senator from New Jersey, but no benefit will be received by the naval-stores industry of the South.

It is a somewhat remarkable circumstance that while I have had numerous letters and telegrams from naval-stores producers concerning the tariff upon oil and concerning various other questions in which they are interested, so far as I recall, I have not had a single message from any naval-stores interest with reference to the tariff upon camphor.

In looking at the record, which I have just been doing while this discussion has proceeded, I find that since 1922 the users of camphor in this country have been required to pay a tariff duty of more than $1,250,000 in the vain hope that some day, somehow, somewhere, an infant industry would spring up in America that would relieve America of the necessity of purchasing camphor from abroad. That hope, however, has not been realized, but during that time the consumers of camphor in this country, the poor homes into which it has gone in America and places where it has been used for other purposes, have been forced to pay into the Treasury of the United States more than $1,250,000, tribute wrung from the consumers upon the theory that some day camphor would be produced in America.

Mr. President, let me call attention to another significant fact about turpentine production, since it has been called into issue. Nearly all the turpentine which we export is exported to Germany. It is also true that the synthetic camphor which comes into this country in the way of imports originates, according to the report of the Tariff Commission, almost entirely in Germany, so that while the naval-stores producers are exporting to Germany practically all the turpentine that leaves our shores, we are importing from Germany practically all the synthetic camphor that enters our boundaries. Now, it requires no logician to establish the fact that if Germany buys turpentine from the naval-stores producers of the South and manufactures synthetic camphor from that turpentine and then ships the synthetic camphor back to America, America gets the benefit in so far as its naval stores are concerned. Therefore, from that standpoint there is no injury to American commerce.

My friend the Senator from Mississippi [Mr. HARRISON] says, conceding that to be true, that he is for the American producer as opposed to the foreign producer. Grant that fact; but under a tariff covering a period of seven years, when the American people have paid a tremendous price, more than $1,250,000, the American producer has not received the benefit, and American capital has not seen fit to enter this field in successful competition with Germany. We can not induce them to enter it. We have offered them the tempting bait of a 6 cents per pound tariff; and it seems to me, conceding every argument which has been made, that these facts are established beyond the peradventure of a doubt by the figures in the report.

Mr. LA FOLLETTE. Mr. President——

Mr. BLACK. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I am very much interested in the point which the Senator is bringing out. I just want to interject the thought that the crude camphor which competes with the synthetic camphor is controlled by a Japanese monopoly; and of course the production of crude camphor is from the trees, and does not take in its manufacture any of the turpentine. Therefore, if the duty were reduced as the Senator has suggested, it no doubt would result in further use of synthetic camphor in the United States, and, as the Senator has pointed out, if turpentine is being purchased in the United States for manufacture in Germany, that would result in a larger market for our turpentine than now exists.

Mr. KEAN. Mr. President, will the Senator yield to me for a minute?

Mr. BLACK. I yield to the Senator from New Jersey.

Mr. KEAN. If we have the turpentine here, what is the use of paying the freight abroad on the turpentine and then paying the freight to bring back the crude camphor? In addition to that, the crude camphor is now made by a monopoly in Germany, which is just as great a monopoly as the monopoly in Japan.

Mr. BLACK. I agree fully with the Senator in his first inquiry, where he asks, If synthetic camphor can be manufactured here, why should it not be? For the same reason, may I state, that phosphate rocks are dug from the soil in Florida, transported to Germany, mixed with nitrogen fixed from the air, and then shipped back into America, causing the fertilizer factories to ask for a tariff of 25 per cent. It is because American capital has not seen fit to enter that field. We have given them the tempting bait.

Mr. KEAN. Mr. President, here is a case where American capital is entering this field, and has already produced successfully this camphor.

Mr. SMITH. Mr. President, will the Senator permit a suggestion right there?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I do. I do not want to forget the suggestion of the Senator from New Jersey, however.

Mr. SMITH. I think the Senator from New Jersey has given the Senator from Alabama an unanswerable argument in favor of reducing this duty. If the Germans can come across to America, buy the raw material, ship it across the ocean, manufacture it, bring it back here, and sell it cheaper than the Americans can manufacture it, what more protection does the American want than the double freight from here to Germany and back?

Mr. BLACK. Mr. President, the illustration which I just gave was intended to call attention to the fact that America is the only civilized Nation in the world to-day that has not driven Chilean nitrates from its shores by the fixation of nitrogen from the air; and because of the reactionary policies of various administrations in this Government, and the retarding efforts put forth by the most powerful lobbies that have ever gathered in the Halls of Congress, the nitrate plants which the Government owns are rusting down at Muscle Shoals. And here, at this time, after eight years, just when the tariff is up for consideration, we learn that some one has started in the camphor business.

I do not know who owns the synthetic camphor that comes from Germany; but I do know that importations of synthetic camphor are increasing, and importations of crude camphor are decreasing. I do know, therefore, that the turpentine from the South is necessarily being used in Germany, according to these statistics, to manufacture synthetic camphor which is coming into America; but the objection I have is that the consumers of camphor are scattered all over this broad land of ours. Camphor goes into every home. It goes into the mansion on top of the hill, and into the remote tenant farmer's home, far out from commerce and trade. It may not be the kind of camphor that the Senator is thinking about; but they are in competition with each other, and the price of one is fixing the price of the other.

This commodity has widespread uses; and why should we put this burden upon all the consumers, in the hope that perhaps we will build up the industry here in the future?

I regret to be called upon to state my position on this question just at this juncture; but since I intended to vote for a reduction of the tariff on camphor I thought it was absolutely essential that I state the facts on which I base that conclusion. They are these:

In my judgment, the naval-stores industry will not be benefited one dime by the imposition of this tariff. The consumers of camphor will be greatly injured. They will be compelled to pay additional prices for the camphor which they use, without a reasonable hope of creating in this country an industry which will sell synthetic camphor at a reasonable price. They have already been compelled to pay more than $1,250,000 in excess of that which they would have been compelled to pay had not the tariff been imposed in 1922. For that they have received no corresponding advantage. Workmen have not been employed in the factories for the production of camphor, because their wheels have not been rolling. In other words, it is a clear, distinct loss of more than $1,250,000. I claim that if they can not establish themselves in seven years, then we need have no hope that this infant will ever even become a lusty baby, big enough to crawl on the floor.

Mr. HEFLIN. Mr. President, just another word before we take a vote.

If the theory is to be accepted by the people of the United States that it is better to send our raw material abroad and have it manufactured in a foreign country and then sent back and sold to us, then my position is wrong.

My colleague [Mr. BLACK] seems to take the position that it is better to ship our turpentine to Germany and let Germany manufacture it into camphor and then bring back the camphor and sell it to us in this country. I submit, Mr. President, if that theory is to be accepted that hundreds and thousands of American laboring men and women will be thrown out of employment.

I want to build up industries in the United States. It is shown here by the testimony that synthetic camphor is being produced in this country now to the amount of 500 pounds a day. Yes; that is small, but why not give this industry a chance? Why not get it to a point where it can supply the trade?

Let me say to my colleague and the others who take with him the position they do that when this camphor is manufactured in abundance in the United States and is also coming in from abroad competition will lower the price to the American

consumer. Competition is the life of trade; but if we are going to permit the industry to die in the United States and permit the foreigner, by paying a small price, to buy a license to sell in the United States market, to the hurt and injury of those who are trying to produce camphor here, putting out of employment men and women, citizens of the United States, you will have to do it without my vote.

Mr. President, I do not subscribe to that doctrine. I am willing to cut this tax somewhat. I am willing to vote for 5 cents, as the Senator from Mississippi has suggested. I am willing to do that; but I am pleading for those in the South, in southeast Alabama, farmers who are in distress at this hour. The Government is now appropriating $6,000,000 to relieve the flood-afflicted people of my State, South Carolina, Georgia, North Carolina, and Florida; and these poor farmers who borrowed money last year from the Government and are trying to pay it back are going into this crop year without a dollar. The banks in that section are failing. Some of these farmers have a little pine-tree timber on their land, and they can go out there and draw the turpentine from these trees, and they will be benefited by this tariff. Why not give them a helping hand? And, Mr. President, when we build up a camphor industry in the United States we are going to give employment to labor; we are going to increase the wage-earning army of our country. Why not take the American viewpoint upon this question?

I want the American people supplied with the very best camphor that can be made; and the turpentine out of the pine trees of the South makes the best camphor in the world.

Mr. President, I plead to give America an opportunity to come forward with an industry of her own to consume the turpentine produced in the United States.

When you do that you help the afflicted farmers of the South who are now in great distress. When you do that you are consuming an American product. When you do that you are giving employment to American men and women who need that employment.

Mr. GEORGE. Mr. President, I merely wish to remark that we helped the American farmer to the extent of a little over $600,000 in duties paid during the last four years. We have helped him that much.

Mr. HEFLIN. Did he pay all that?

Mr. GEORGE. To the extent that he used camphor.

Mr. HEFLIN. The farmer paid it all. I am opposed to that.

Mr. GEORGE. The farmer paid his pro rata part of it—$600,000. No camphor has yet been made in this country, except experimentally. It is still a laboratory proposition. It is still in a test period, and has been since 1922.

Mr. President, I think I have about as much love for the farmer in the South and for the producers of naval stores as anybody has, but any man who can justify this duty can vote blindly and with eyes shut for any duty any industry asks. The facts do not justify it.

Nine years ago the same speeches were made, "Give us a duty and we will make synthetic camphor." Nine years have elapsed, while the American people have paid out of their pockets much more than a million dollars in duty, and yet they are making 500 pounds a day, when the consumption in the United States is running between two and three million pounds a year.

Every time you make an ounce of synthetic camphor you also make a gallon, perhaps, of synthetic turpentine to compete with the naval-stores producers down in the South. If that is going to help the hard-pressed naval-stores operators, then I am wholly incapable of reasoning from one admitted premise to a very clear and unmistakable, and, indeed, inescapable conclusion.

Mr. President, the most that could be said about this industry is that it is an experiment, that it is in the experimental stage, that there is a hope of building it up, and no doubt the Congress acted upon that theory in 1922; but when an industry can not demonstrate more progress than this industry has demonstrated under this high-tariff duty since 1922 than the synthetic camphor manufacturers have been able to demonstrate in the United States, it were time we were discontinuing this protection.

I earnestly hope that the Senator from Alabama, whose zeal and love for the naval-stores operators, of course nobody questions, will look into the figures just a little, and he will see that we are paying out annually in point of duty, which, of course, is passed on to all the American consumers, an amount equal practically to the entire capital invested in this experimental industry in the United States.

Mr. KEAN. Mr. President, I have listened with a good deal of interest to some of the speeches on the other side of the aisle. I have repeatedly noticed that when anything is proposed that will benefit the South, Senators over there generally vote against it. I have noticed that they have voted against cotton time and time again, and I know of no way of benefiting the South or of benefiting any industry except to vote for what will benefit industries which consume the articles produced in the South.

I am perfectly ready, at the request of my friend from Mississippi, to reduce this rate to 5 cents. I accept that, and will gladly amend my amendment to that extent.

Mr. HEFLIN. I am glad the Senator is doing that.

The PRESIDING OFFICER. The Senator qualifies his amendment by making the rate 5 cents instead of 6 cents.

Mr. HEFLIN. Mr. President, I want to interrupt the Senator a moment.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Alabama?

Mr. KEAN. I yield.

Mr. HEFLIN. Will the Senator except me from that set he mentioned a while ago who voted against the propositions which would benefit the South?

Mr. KEAN. I will except the Senator.

Mr. HEFLIN. I have steadfastly voted for such measures.

Mr. KEAN. I know the Senator has. I appreciate the Senator's remarks.

Mr. President, I feel that if we ever go to war the United States will need synthetic camphor to protect the lives and the health of the Army and the Navy of the United States. It is essential that we have in the United States the synthetic-camphor industry. It makes no difference whether it costs $600,000 or $5,000,000 to the people of the United States if we have that protection in case of war.

Mr. HATFIELD. Mr. President, following out the theory which has been suggested here to-day regarding the development of new industries, we would not have to-day a well-rounded chemical industry in the United States; we would not have the greatest tin-plate industry that is to be found anywhere in the world. It was the principles of protective tariff that made possible these achievements, and we can only be assured of a continuation of these industries by the administration of the principles of protective tariff.

Why should we stand by and permit Germany to control the synthetic-camphor industry of the world? Are we not just as capable as they? Have we not already proven that we are capable of bringing about a condition of self-sufficiency in the production of everything that is necessary for the consumption of industry and for consumption in the sick room?

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

Mr. HATFIELD. I yield.

Mr. HARRISON. Let me ask the Senator from West Virginia this question: Suppose a cartel were formed between Japan and Germany, from which countries we get all of our camphor, such a cartel as now exists with reference to certain coal-tar products in Germany and Switzerland and France; what would we do for camphor?

Mr. HATFIELD. We would be at the mercy of that cartel. The price would be whatever they cared to fix, and the same will be true so far as synthetic camphor is concerned, which will be a part of the cartel.

Mr. GEORGE. Mr. President, let me ask the Senator a very similar question: Suppose the United States were to withhold from other countries all that is necessary and vital, an indispensable supply of the raw product that we have to furnish other countries; what then would be the result?

Mr. HATFIELD. Mr. President, competition is the life of trade. We are not building, nor do we propose to build, a tariff wall which will preclude the importation of synthetic camphor or the natural camphor from any other country that produces it.

Mr. GEORGE. Mr. President, the Senator misapprehends my question. It does seem to me that it were about time that Senators writing duties should ascribe to other people just about as much consideration, just about as much wisdom, just about as much disposition to be fair and just and reasonable, as they claim for themselves. Indeed, I think we might call just a little upon our information, and we might consider the very sad and uncomfortable plight of our ambassador to France and our ambassador to Germany, both of whom favored high rates upon the products made in Germany and in France, and who are now being importuned to prevent Germany and France from increasing a rate of duty upon American-made automobiles that will virtually exclude our automobiles from their markets.

I propounded my question for this reason: That in making our tariffs, in shaping our policy, we would do well to assume that other people have about as much patriotism, about as much general love for humanity, about as much general knowledge of what the world needs, and about as much disposition to do right as we ourselves have.

Mr. HATFIELD. That is very true, Mr. President; and we have observed that England recently established a tariff rate which precluded the importation into that country of any kind

of chemical that was manufactured in England. The same thing is true—and has been practiced throughout the ages, I might say—in Germany with regard to her potash, with regard to her pigments, with regard to the numerous chemicals produced in that empire.

Mr. BLEASE. Mr. President, I want to shift just a little from the tariff.

Mr. SMOOT. Mr. President, will not the Senator allow us to have a vote upon this item? We are just about to vote.

Mr. BLEASE. I tried to get the floor three times this morning; each time somebody else was recognized, and I do not feel like yielding now, because the matter I want to bring up is pending before the Committee on the Judiciary, and I would like to get it into the RECORD.

The PRESIDING OFFICER. The Senator from South Carolina is entitled to the floor, and will proceed.

CONDITIONS IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, I notice in this morning's Washington Post a criticism of the President of the United States for appointing General Crosby as one of the commissioners for this District. I am not a defender of the present President of the United States from any standpoint, as is well known by the Senate, but when he is right I shall always back him up with my voice and my vote, and I think this is one time when he is eminently correct.

I ask to have printed in the RECORD an article and an editorial on this subject appearing in the Washington Post this morning.

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

CROSBY NAMED COMMISSIONER BY PRESIDENT—MILITARY DISCIPLINARIAN IS TAKEN TO WHIP CAPITAL INTO MODEL CITY—GENERAL TO DEVOTE HIMSELF TO POLICE—SELECTION IS IN LINE WITH EXECUTIVE DEMAND OF DRY ENFORCEMENT—NO COUNSEL TAKEN ON ANNOUNCEMENT—AKERSON IS BELIEVED TO HAVE ORIGINATED IDEA OF ARMY MAN

By Carlisle Bargeron

In line with his determination to make Washington the country's model city, President Hoover yesterday definitely announced that he would name a military man, Maj. Gen. Herbert B. Crosby, Chief of Cavalry, as police commissioner after he retires March 21.

It has been known for several days that the President had offered the place to General Crosby, and the President's statement yesterday followed his acceptance.

In naming him, the President not only departed from what heretofore has been looked upon as the spirit, at least, of the law governing District Commissioners but also the practice by which the Commissioners have divided the work among themselves.

WHAT PRESIDENT SAID

Here is what the President said in making known his selection of General Crosby:

"After Major General Crosby has retired and has become a civilian, I shall nominate him as one of the Commissioners of the District of Columbia. He has been a resident of the District for the past seven years, and has been much interested in its progress. He accepts only at my urgent request.

"I have consulted a number of leading citizens who consider with me that the District will be glad to obtain a man of such outstanding national distinction in its service. General Crosby will have under his direction the police, fire, and traffic services. He does not wish to become presiding commissioner, and prefers to devote himself to those particular branches. His headship of those departments will be assurance of just support and leadership to the men in those services. It will be a guaranty to both the official and unofficial residents of the District, and especially to the Nation at large, that the Capital of the Nation shall be free of organized crime."

[From the Washington Post, Thursday, February 6, 1930]

GENERAL CROSBY CHOSEN

Upon his retirement on March 21 Maj. Gen. Herbert B. Crosby, United States Army, at present Chief of Cavalry, will be nominated by the President to be a member of the Board of District Commissioners. While General Crosby is the antithesis of a martinet, his appointment will make the board predominantly military in character. Exception has been taken to this by a proportion of the public.

The law provides that the District shall be governed by a board composed of three commissioners, two of whom shall be civilians and the other an Army engineer. The law specifies further: "The two persons appointed from civilian life shall at the time of their appointment be citizens of the United States and shall have been actual residents of the District of Columbia for three years next before their appointment and, during that period, claimed residence nowhere else." Technically, General Crosby will become a civilian upon his retirement, and technically he has been an actual resident of the District for longer than three years. Many residents believe, however, that the law contemplates the appointment of men of civilian training, whose residence in Washington is not an official accident.

General Crosby is appointed in the interest of law enforcement to take charge of the police, fire, and traffic departments. "His headship of these departments," says President Hoover, "will be assurance of just support and leadership to the men in these services. It will be a guaranty to both the official and unofficial residents of the District, and especially to the Nation at large, that the Capital will be free of organized crime." No doubt an Army officer could inject a more rigorous note in police and fire department discipline, and if that were all that is needed, the military atmosphere would be an improvement. But a doubt arises in connection with the contact between these departments and the public. The District Commissioners must have the support of the public in order to succeed.

It is possible for an Army officer to make a good municipal official, and General Crosby's reputation for tact and cooperative ability is in his favor. Nevertheless, two Army men to one civilian on the Board of District Commissioners is hardly within the spirit of the law as understood by the people of Washington.

Mr. BLEASE. Mr. President, I have on several occasions called attention to the crime in this city, and have been unable to get any assistance whatever. I noticed to my astonishment the other day that the President of the United States himself had called for more guards. The city has actually gotten so rotten and the administration of law here is so poor that the New York Times on Sunday, February 2, stated:

MELLON, AT HOOVER'S REQUEST, ASKS MORE WHITE HOUSE POLICE

WASHINGTON, February 1.—Enlargement of the White House police detail and the transfer of the unit from the status of an independent organization to the Secret Service of the Treasury was asked to-day in a letter to the House from Secretary Mellon.

The change was requested by President Hoover. He would have a captain at the head of the force instead of the present four sergeants, and under him a lieutenant, 3 sergeants, and a maximum of 43 privates instead of the present 35.

Mr. President, I want to assure the President of the United States that if he really wants a guard over there and thinks he needs it, if he will permit me I will furnish him a company of South Carolinians who will come up here and guard him and will guarantee him that no man or woman shall cross the threshold of the White House or even enter the gates of his grounds except by his permission. It does not make any difference what they may think of him or what I may think of him, no man or woman or set of men or women shall assail the head of this Nation if we can prevent it. We know that "King" Pratt is no good. We have known that for some time, so if the President will permit I will have these brave, fearless South Carolina Americans put on guard, and he can then live without fear.

This man Hoover received the largest vote for President that any man has ever received for that office, and yet he trembles in the White House. Think of Andy Jackson calling for help! Think of Teddy Roosevelt calling for help! Crime is rampant in Washington, while Pratt sits serenely on his throne, and murder, rape, arson, and other crimes are on the increase.

This morning's Washington Post carried the following stories, which I ask to have inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The articles are as follows, which set out just the crimes of one day which reached the press:

[From the Washington Post, Thursday, February 6, 1930]

FOUR RAIDS LAUNCH DRIVE BY POLICE ON GAMBLING HOUSES—EIGHT MEN ARE ARRESTED IN RAPID-FIRE ORDER AT FOUR PLACES—MAJORITY POST BOND; EQUIPMENT IS SEIZED—DAY'S ACTIVITIES OF SQUAD ARE FIRST BLOW IN WAR LETTERMAN PLANS

A new police war on gambling places in the city was begun yesterday when the Sergt. Oscar J. Letterman squad conducted four raids in rapid-fire order, most of them on popular down-town establishments.

Eight men, one of them a Chinese, were arrested on charges of violating section 865 (d) of the District Code, which governs gambling here. They were required in most instances to furnish $2,000 bond for their release.

Led by Sergeant Letterman, Detective Richard J. Cox, and Policemen Floyd A. Truscott and J. A. Mostyn descended upon a well-known place on E Street near Twelfth Street NW. They found that the place was well equipped for carrying on a race horse business and four men, alleged to have been accepting bets, were taken into custody.

ALL HELD ON $2,000 BOND

They were Frank Joseph Clayburne, 29 years old, of I Street near First Street NE.; William Madden, 24 years old, of Pennsylvania Avenue near Eighteenth Street NW.; Thomas Boucher, 29 years old, of Twelfth Street near C Street SE.; and Richard C. Dean, 26 years old,

of California Street near Twenty-first Street NW. All were booked at the first precinct and held for $2,000.

In the next block, on E Street, the raiders found that another establishment was going in full blast. While two of the squad guarded the doors, two others went through the place and arrested John Young Dawson, 36 years old, of R Street near Seventeenth Street NW., who is alleged to have been acting in a managerial capacity.

Several men loitering about in the vicinity left in short order when the raiders swooped down.

EQUIPMENT IS FOUND

Joseph A. Blanken, 27 years old, of N Street, near Eleventh Street NW., was arrested in a raid on Ninth Street, across the street from Center Market. As in the other places, many slips, phones, and paraphernalia of a like character were found.

A Chinese, Raymond Soo, 29 years old, living on B Street near Fourth Street NE., and John Carroll, 36 years old, of Taylor Street, near Fifth Street NW., were arrested in a raid on Pennsylvania Avenue near Third Street NW. Both were charged with permitting gambling and were taken to the sixth precinct, where they were held for $2,000 bond apiece.

The raids are the first of a series planned by Sergeant Letterman. Most of the evidence on which the raids were based was obtained through an undercover agent.

TWO HUNDRED AND FORTY QUARTS OF RUM ARE FOUND IN AUTO—TRAFFIC POLICEMAN SEIZES LIQUOR AFTER SHORT PURSUIT OF CAR

Stephen Cassassa was bound over to the grand jury yesterday by Judge McMahon, in police court, to face charges of transporting liquor, all because he did not have a ready excuse on the tip of his tongue when he was stopped by Traffic Policeman J. E. Fondahl.

Cassassa, according to the policeman, was traveling at a too fast clip on Bladensburg Road yesterday morning. The policeman pursued and stated that at the time he overhauled Cassassa's automobile the machine was being driven at a more rational gait. Fondahl declared he stopped the machine for the mere purpose of examining the driver's registration card and permit. Cassassa had neither, and when questioned is said to have declared the car belonged to a friend, who loaned it to him to come to Washington.

The excuse aroused Fondahl's suspicion and the driver and the automobile were taken to the ninth precinct station house, where a search revealed 240 quarts of liquor. Charges were then booked against Cassassa.

DOCTOR AND WIFE TO PAY $5,350 FOR ASSAULTS

A jury in District Supreme Court early yesterday returned a verdict of $5,000 damages against Dr. Arthur L. Curtis, colored, of 1717 U Street, and at the same time returned a verdict of $350 damages against Helen G. Curtis, the physician's wife. Both verdicts were in favor of Eva Fitzhugh, also colored.

The Fitzhugh woman sued the physician for $40,000, alleging an assault in May, 1927, which, she claimed, had resulted in great shock to her nervous system. The doctor's wife was sued for $20,000 damages, the plaintiff charging her also with assault at a later date. The trial of the case consumed more than a week. Attorneys Wilton J. Lambert and Austin F. Canfield appeared for the plaintiff, while the law firm of Houston & Houston defended the doctor and his wife.

RUM PRESCRIPTIONS THEFT IS REPORTED—DOCTOR TELLS POLICE THAT GRIP WITH SERIES WAS TAKEN FROM CAR

Nine whisky prescriptions, with the serial number E 18630, and numbered from 92 to 100, were stolen from a medical-supply bag belonging to Dr. Schley Brown, of 1625 S Street NW., according to a report made to police by the physician.

Doctor Brown parked his car on G Street near Tenth Street NW. and visited a medical-supply store. When he returned his grip was missing, and the blanks, he said, were in the bag.

Drug stores have been asked to detain anyone presenting the blanks.

HEAVRINS ARRESTED IN FIGHT ON POLICE—MCPHERSON-QUIZ WITNESSES FACE ASSAULT CHARGE AFTER BATTLE—HUSBAND HURLS PEPPER

Roy R. Heavrin, 39 years old, and his wife, Mrs. Anna Heavrin, 45, who were star prosecution witnesses in the grand jury inquiry of the death of Mrs. Virginia McPherson, were arrested on assault charges yesterday following a heated battle with two policemen in their apartment at the Park Lane, Twenty-first Street and Pennsylvania Avenue NW.

Patrolmen Irving Rosenberg and R. S. Miller, of the third precinct, responding to a telephone call for aid, discovered Mrs. Heavrin, on the verge of hysterics, standing outside the door of her first-floor apartment and talking excitedly with Wilmer C. Ruff, manager of the building.

Complaining that her husband had beaten her, threatened her life, and ejected her from the apartment, the policemen said Mrs. Heavrin requested them to arrest her husband.

As the door of the apartment was opened by the manager Heavrin greeted the policemen by hurling a handful of red pepper in their eyes, police say, and then attempted to take their batons from them.

As he was blinded by the pepper, Rosenberg reported, Heavrin downed him on a bed, biting, scratching, and kicking him. At this stage of the battle, it was reported, Mrs. Heavrin united with her husband and began pulling the policemen's hair.

When a detail of policemen arrived at the battle-wrecked apartment, Rosenberg and Miller had succeeded in subduing the Heavrins, they reported. The two policemen and Heavrin, who was cut and bruised in the melee, were treated by Dr. Leonard McCarthy at Emergency Hospital and Heavrin was then transferred to Gallinger Hospital, where a police guard was detailed over him. Mrs. Heavrin was lodged in the House of Detention.

ONE HUNDRED GALLONS SEIZED BY LIQUOR RAIDERS—BEER ON DRAFT IS FOUND, POLICE SAY, AFTER THEY SMASH KEGS

Raiders from the first precinct last night confiscated more than 100 gallons of alleged liquors in a descent on an establishment at Pennsylvania Avenue near Ninth Street, known as "Carl Hammel's Buffet."

Beer on draft was found by the police, they said. A long bar reminiscent of pre-Volstead days, even to the footrail, shielded an assortment of liquor. Sergt. A. S. Bohrer, who led the raid, took Harry G. Kopel, 41 years old, who lives above the place, into custody. He is charged with the sale, manufacture, and possession of liquor.

In the basement, according to the police, were found wine presses and apparatus for making beer. Several barrels of alleged home-brew were destroyed as well as a quantity of wine.

Assisting Sergeant Bohrer in the raid were Officers H. G. Wanamaker, A. D. Mansfield, and H. E. Davis. Included in the alleged liquor confiscated were 10 gallons of rye whisky, 1 gallon of hard cider, 28 gallons of wines, and a quantity of beer.

SEVEN MORE ARRAIGNED IN THEFT FROM HOSPITAL

Seven colored men were arraigned in police court yesterday on robbery charges growing out of alleged thefts of bedding and clothing from St. Elizabeths Hospital during the last two years, and were ordered held for action of the grand jury. Four colored youths were arraigned on similar charges earlier in the week and also were held for grand jury action.

Police who have been investigating the thefts for some time state that the loss to the hospital is well over $1,000, of which only approximately $100 worth has been recovered. Those arraigned yesterday are Allen West, 24 years old, cook at the institution; James Richardson, 54 years old, an engineer at the hospital; John Savoy, 19 years old; Aaron Short, 21 years old; George Ellis, 28 years old; William H. Speed, 40 years old; and David Congers.

STORE CLERK VICTIMIZED OF $10 BY STRANGE MAN

The short-change trick was resurrected yesterday by a young man, who was in need of $10, according to a report made to police of the ninth precinct by the manager of the Sears-Roebuck Department Store, located on Bladensburg Road NE.

Leona Crawford, saleslady, living at 1473 Irving Street NW., was the victim of the youth. She said that he asked for change, then changed his mind, and, after confusing her, walked away with $10, which didn't belong to him.

DREYFUS KIN FEARED IMPENDING TRAGEDY—CARL FISCHER, FATHER INFORMS GRAND JURY HE SENSED DAUGHTER'S DANGER—KING LINK EMPHASIZED

Pausing frequently to brush the tears from his eyes, Carl Fischer, gray-haired father of Mrs. Aurelia Fischer Dreyfus, yesterday told the grand jury how, moved by a vague sense of impending tragedy, he had pleaded with his daughter not to go to the Potomac Boat Club dance, which terminated in her death on the night of October 20.

Mr. Fischer told the jury that on the day following the tragedy Edmund J. McBrien, New York broker, who had escorted Mrs. Dreyfus to the dance, had attempted to take her automobile from the Fischer garage, and, foiled therein by Mr. Fischer, that he had then taken a suitcase belonging to Mrs. Dreyfus in which, he told the grand jury, she had numerous letters and other papers, which, she had told her parents, contained important information about the unsolved murder of Dot King, "Broadway butterfly," in 1923.

Mrs. Dreyfus, who was the "mysterious blonde" who established an alibi for Albert E. Guimares, who had been arrested in connection with the death of his sweetheart, Dot King, later told her mother and sisters that in testifying in the King investigation she had been forced to perjure herself, according to affidavits given to United States Attorney Leo A. Rover by members of her family.

As Mr. Fischer left the grand jury room a deputy marshal handed him the order for his witness fee. He brushed the paper aside roughly.

"What is this? Money for telling about this tragedy of my life?" he said. "No, no; I do not want it."

Other witnesses heard yesterday included the mother, sisters, and brothers of the dead girl, and family friends who testified that they had seen bruises on her neck as she lay in her casket awaiting burial.

MAN IS ARRESTED ON GIRLS' CHARGES—PRISONER IS IDENTIFIED BY SEVERAL OF HIS ALLEGED VICTIMS

Following complaints from several young girls, Detective Sergts. Charles Weber and Robert Saunders last night took into custody Herbert Durant Franey, 38 years old, who gave an address on Louisiana Avenue near Sixth Street NW. On the police blotter Franey is listed as "black," though he claimed to be a Filipino.

Shortly after his arrest, Franey was confronted by a group of young ladies and, according to police, was identified by several of them. Others are to face him to-day at detective headquarters.

Franey, police allege, proclaimed, through a friend, that he was the representative here of a construction company and that he was interested in getting girls for cafeterias that would be opened in the proposed buildings. Police assert that girls who went to his office were subjected to a peculiar examination, and that in at least one instance, a girl was given medicine that, it is charged, made her ill. Franey is being held for "investigation." Police claim several serious charges may be placed against him after additional investigation.

WOMAN SEEKS DIVORCE ON DESERTION CHARGE

Charging her husband with deserting her and with being intimate with another woman, Valora P. McKenney, of 1842 California Avenue NW., yesterday asked the District Supreme Court to award her an absolute divorce from her husband, Andrew H. McKenney, of 1151 New Jersey Avenue NW. The other woman, whose address is given as that of the husband, is named corespondent.

The petitioner tells the court that she and her husband were married on August 11, 1923, and that he deserted her on January 15, 1924. For the past several months, the wife charges, the husband has been living with the other woman. Attorneys Bertrand Emerson and Nita S. Hinman appear for the petitioner.

MAN ADMITS PANTHER SHOT WOUNDED YOUTH

Walking into the Eleventh Precinct Station yesterday, Felix Gray, alias James Hayes, colored, 20 years old, of Forty-fourth Street and Sheriff Road NE., explained that he had mistaken a dog for the Northeast's elusive "panther" on Tuesday night and in the excitement of the moment accidentally wounded his companion, William Taylor, 17 years old, also colored, in the leg.

Hayes explained that he and Taylor were walking along Whittingham Place NE. when a large "yellow" animal sprang from the underbrush. Fearing it was the "panther," Hayes explained, he and his companion stumbled over each other in an attempt to flee and Hayes then fired his revolver. The animal turned out to be a dog. After listening to his story police placed a charge of promiscuous use of firearms against Hayes and liberated him on $10 collateral.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. BLEASE. In just a moment. There are more murders, more crimes of rape and the like, more heinous offenses that have been committed in this city which are still in the dark and unsolved and more of those who committed the crimes who have never been apprehended than I believe is the situation in any other city in America. Why should not the President of the United States have a military man here in charge of the police affairs of the District and try at least to give us a decent city in which we may live?

I yield now to the Senator from New York.

Mr. COPELAND. I did not hear the first part of what the Senator had to say, but I understand that he has now made a reference to the fact that the President has appointed a major general of the Army as one of the Commissioners of the District.

Mr. BLEASE. Yes; and I am commending him for that right now.

Mr. COPELAND. Does the Senator want him to name another major general?

Mr. BLEASE. If they will give us a clean city, I do not care if they make Hoover himself the commander in chief of the whole business.

Mr. COPELAND. Is there no impression in the Senator's mind about the law that two of the commissioners must be civilians?

Mr. BLEASE. I understand this man will be a civilian after the 21st day of March.

Mr. COPELAND. Then there is no reason why the President should not appoint another major general who will retire a little later.

Mr. BLEASE. I hope he will.

Mr. COPELAND. Then we will have the city under military rule.

Mr. BLEASE. I hope we will, if necessary to have a better city than we have.

Again I say that Mr. Hoover is right, and I shall vote to sustain him in his appointment of General Crosby; and I am not persuaded that if he had adopted the idea of the Senator from Iowa and appointed Gen. Smedley Butler, he would not have done a wise thing, although there are some things about Gen. Smedley Butler I do not like. One of them is his going into a man's house, taking a drink with him, going out and telling about it. I never have just exactly understood how he got that low down. That is something I have never understood. There must have been something curious in the liquor he was drinking to make him so far forget the obligations of a gentleman, otherwise I do not think he would have.

However, I want to see Mr. Hoover appoint the very best man it is possible to obtain. I do not care whether he takes him from the bench or calls him out of the Army, or where he gets him, if he can stop certain activities to which I called attention the other day. I made the remark then that when a man turns up his nose at the situation which has been disclosed, when a man says there is nothing in it, when his daughter comes home drunk or maybe in a condition worse than death itself or comes home dead, or when his boy comes home in a similar condition, then he will stop and begin to think that there must be something wrong. Think of dives running here and of these girls going into them and being treated as they have been treated! What is Pratt doing? Ask the criminals what Pratt is doing.

Just a few days ago there appeared in one of the local papers the following item:

DRUNK CHARGE FACED BY COP

Facing trial in police court on a charge of driving while under the influence of intoxicants, Pvt. George McCarron yesterday was stripped of his rank as a member of the vice squad and was cited to appear before the trial board.

Policeman Floyd Truscott, of the fourth precinct, was transferred to fill McCarron's place.

According to a report submitted to Maj. Henry G. Pratt, chief of police, by Inspector Albert J. Headley, McCarron attended a Chinese New Year celebration on lower Pennsylvania Avenue Sunday night and was on his way home when his automobile crashed into a parked car at John Marshall Place and C Street NW. He was off duty.

Police of the sixth precinct arrested McCarron on a charge of reckless driving, and he was released in $25 collateral. When the case was presented in police court the more serious charge was laid against the officer. He was released in $300 bond.

While they are investigating that matter I would like to have them find out who attended a dinner in a Chinese restaurant at 318 Pennsylvania Avenue on the 4th day of March, and whose family sat on the front porch of that dive, which was recently raided and $5,000 worth of dope taken out of it. I would like to have the police department find out what officials of this Government were entertained at dinner there that day, and who, with them, sat on the front porch and saluted the President of the United States as he was riding from the Capitol, where he had just taken the oath of office, to the White House. I do not wish to condemn this poor little policeman because he took dinner with a Chinese and then wink at men higher up.

I would like to have an investigation of another thing while we are having these investigations. If it cost $16,000 to kill three men in a certain Chinese dive here, I would like to know who got the money, and why those men who did the killing have never been brought to justice and why this crime was hidden. The authorities might also find out to whom that money was paid and for what purpose it was paid. I do not know how they arrived at the figure of $16,000. It looks like it ought to have been $5,000 apiece, but perhaps the extra $1,000 was for burial expenses.

Mr. President, yesterday in the Evening Star I noticed an item relating to a lunch room where lawyers get their lunches down near the courthouse, and that it is to be padlocked. The article reads as follows:

PADLOCK IS SOUGHT FOR A. B. C. LUNCH—UNITED STATES ATTORNEY ALLEGES RAID ON EATING HOUSE REVEALED SALES AND POSSESSION OF LIQUOR

United States Attorney Leo A. Rover and Assistant United States Attorney Harold W. Orcutt have filed in the District Supreme Court an application for a padlock injunction against Joe Nathan Greenstein, proprietor of the A. B. C. lunch room, in the Stewart Building, Sixth and C Streets, directly opposite the police court. James Witt and Louis Mirman, said to be the owners of the Stewart Building, were joined as defendants.

The court is informed that the lunch room was raided by Federal prohibition agents January 14, after several purchases of alleged liquor

by the agents, and a quantity of liquor found. Affidavits of a number of agents are attached to the petition for the padlocking of the lunch room for one year.

Yet it is said there is no crime in the city of Washington.

LYNCHINGS

In this connection I want to say another thing that perhaps I ought not to say, but I think some of the people of the country need to be told the truth. I noticed the other day several long articles to the effect that lynchings have decreased; that we do not have as many lynchings as we used to have in this country. Why do not the newspapers, instead of saying that we have fewer lynchings in the country, say that we have had fewer of the crimes that cause lynching? That is why we have fewer lynchings. Here is an article from a paper in reference to Georgia. Remember, I am not criticizing Georgia, either. This article reads:

[From the New York Times, Sunday, February 2, 1930]

MOB LYNCHES NEGRO AS GEORGIA SLAYER—FIVE HUNDRED MEN OVERPOWER SHERIFF AT OCILLA AND BURN ACCUSED SLAYER OF GIRL—VICTIM HAD CONFESSED—HE WAS BEING TAKEN TO JAIL WHEN ANGRY CROWD STOPPED POLICE AUTO IN CENTER OF TOWN

OCILLA, GA., February 1.—Overpowering Sheriff W. C. Tyler and his deputies early to-day, a mob of 500 men took Jimmy Levine, a negro, from the officers and lynched him 10 miles from town. The negro had been arrested about an hour before at Mystic, Ga., for attacking and slaying a 14-year-old white girl.

Sheriff Tyler, who was roughly handled by a group of 25 or 30 members of the mob when he resisted their efforts to remove the prisoner from his automobile, to-night said he had made little headway in investigating. He expected to be joined to-morrow by Roy S. Foy, of Sylvester, solicitor general for this district, and steps probably will be taken to identify some of the mob members.

Sheriff Tyler and his deputies had arrested the negro in Mystic after an all-night search, and immediately started for jail here. In the center of town the mob met the officers and demanded the negro. Sheriff Tyler refused to surrender him, and a crowd gathered about his car, finally succeeding in taking the negro.

NEGRO SLASHED AND BURNED

With the prisoner in their hands, the mob set out in nearly 100 automobiles for the scene of the crime. Later the body was found on a blazing pyre of logs. Reports said the negro was beaten and his throat cut, after which the pyre was built, the logs and clothing of the negro saturated with gasoline and a match applied.

Sheriff Tyler said he was unable to identify any of the men who surrounded his car, as it was just before dawn and the light was poor. He said the negro had confessed to committing the crime before the mob took possession of him.

The girl, daughter of a prominent planter, was attacked and slain near her home yesterday, and her body was found in a creek near by. Sheriff Tyler said the assailant, after killing the girl, had dragged her body across a field to the creek. Her throat had been cut.

More than 1,000 men joined in the search for the negro last night.

I want to say right here to those people who believe that they are doing good by this propaganda that they are in reality doing a great injustice to the Negro race. When they put in their papers articles of this kind and when they try to uphold this crime and when they publish circulars gotten out by a negro in the South who thinks he is doing something for the best interests of his race, but who has not sense enough to know that he is injuring his race, they are only trying to lead the Negro race to believe that they can continue to commit this crime and not be lynched. Certain white people in the country are encouraging it. I want to tell them right now that this is the white man's country, and by the eternal gods the white man proposes to control it.

When that crime is committed south of the Potomac River, no one need be surprised when he reads the next morning in his newspaper just what he read a day or two ago in reference to what happened in the State of Georgia. It is all right to talk these things, it is all right to publish pretty little pieces in the newspapers, but I tell you, Mr. President and Senators, that when certain people in the country endeavor to encourage the Negro race to commit that crime, it does not make any difference how much they encourage it or how much they say lynching is decreasing, they had better change their tactics and warn the Negro race not to commit this crime. Then they will have some justification for saying that they have helped to decrease lynchings in the United States. Stop that crime and you will stop lynching.

CHIEF JUSTICE TAFT'S RESIGNATION

There is another matter with which I guess I have nothing to do, but I am going to say something about it, anyway. I hope the Judiciary Committee will return Mr. Hughes's nomination to the Senate without recommendation and that the Senate will pass a resolution requesting the President of the United States to reappoint the Hon. William Howard Taft to the position of Chief Justice of the United States. He should not have accepted his resignation. There is something crooked around here somewhere. No one can fool me about it. I am not in the inner circles and I can not get at the facts, but somebody has fooled that poor old gentleman. I would not say they told him a story, because I have no right to say that. Why is it that his boy is to be put in the position of the Hughes boy and the Hughes boy is to go out and make room for the Taft boy, and Taft is getting out to make room for Hughes?

Why was it all fixed up beforehand? Why was it that in just a few hours after Judge Taft sent in his resignation Hughes was appointed, and this place was tendered to Bob Taft? Many a man has held a job who has been sick, who has not done half for this country what William Howard Taft has done. I love him, and I think he has been mistreated and ill-advised by somebody. The other night he was going to die before they got him home, but now he is much better and I hope and pray to God that he lives many years, whether he is a Supreme Court Justice or not.

But, Mr. President and Senators, the Senate ought not to wink at any such business as is scuttling around under the ground somewhere in this Capital. Many a man has held on to his job after he became sick and disabled. We have had men on the bench for years who did not render a decision or write an opinion. We have had men on the bench and in other positions who performed none of the duties of their office. We are pensioning employees right here in connection with the Senate who do not do one God Almighty's thing, not a thing.

Why was it necessary, I want to know, for somebody to go down to Asheville, N. C., to get Mr. Taft to resign and get everything fixed up? So far as I am concerned, I have not a thing in the world against Mr. Hughes. I know he is a great corporation lawyer. I am satisfied that when he gets on the bench he will take the most perfect care of their interests. I have no doubt of that in the world. I can say that before he goes on the bench, though I would not say it after he gets there. But I love William Howard Taft and I have a reason for it. I am glad that he is the only man in this country who ever had the honor to be President of the United States and Chief Justice of the Supreme Court.

If there is anything in this world I love, it is a square deal, a deal out in the open, a transaction which is open and aboveboard; and I believe, Mr. President, that that is what the Senate wants.

REBATES IN RAILROAD RATES

Mr. BROOKHART. Mr. President, many years ago I entered the fight against rebates in railroad rates, both directly and indirectly. After many years of legislation and decisions of railroad commissions and of courts, we finally got the law quite well established against rebates. However, it is now called to my attention that an indirect system has been inaugurated by the big packing companies, a system of reciprocal buying and selling, as it is called. They start a manufacturing company to manufacture some article which is used by the railroads, and then they force the sale of that article to the railroads by the fact that they have a large number of cars that are furnished to the different railroads for the shipment of commodities. In that way they secure indirectly a rebate. The charge is so specific and authentic that I think it ought to be investigated, and I offer a resolution to that effect for reference to the Committee on Interstate Commerce.

The resolution (S. Res. 209) was read and referred to the Committee on Interstate Commerce, as follows:

Whereas the act to regulate interstate and foreign commerce, approved February 16, 1903, prohibits railroad rebating, directly and indirectly in every manner and form; and

Whereas the act creating the Federal Trade Commission, approved September 26, 1914, prohibits unfair methods of competition in commerce; and

Whereas the act approved August 15, 1921, specifically prohibits the packers from engaging in any "unfair, unjustly discriminating, or deceptive practice or device in commerce"; and

Whereas an illegal and immoral system of rebating known as "reciprocal buying" has been created and developed in violation of the aforesaid laws and is affecting the $2,000,000,000 of annual purchases of supplies of American railroads; and

Whereas this system is responsible for destroying small competitors, foisting inferior equipment on railroads at the expense and to the detriment of the public while enriching grafting officials of the guilty companies; and

Whereas the following letter gives a concrete example of one of the steps taken by officials of a packing company, which company alone controls through a subsidiary 7,500 refrigerator cars:

SWIFT & CO., UNION STOCK YARDS,
Chicago, Ill.

DEAR SIR: The Swift family owns the Mechanical Manufacturing Co., a Chicago corporation which has been manufacturing packing-house machinery for a good many years. They also have been putting out the Ellis and the Durable bumping post, with which you are familiar.

Our people have decided to take on the durable draft gear and the durable centering device, and we expect our railroad friends to use these articles on a reciprocity basis, with the understanding that they are competitively priced and their quality is second to none.

I inclose all the data that we have gathered to date on these draft gears. Several of the principal lines already have placed orders with us for them, and they will be utilized 100 per cent on the Swift equipment in the future.

Won't you please have whichever of your departments is in charge of this end of your business make an investigation at this time, particularly of the gear, and let me know, if you are agreeable to utilizing some of them on any new equipment that will be built during the year; also on any renewals that take place from day to day on your lines.

Please reply.

Yours respectfully,

SWIFT & CO.,
Per W. A. M.

And—

Whereas officials of Armour & Co. are using the so-called Waugh Co. in a similar conspiracy; and

Whereas these two specific cases are examples of the methods being used by many great interests to violate the law by forms of commercial bribery: Now, therefore, be it

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, be, and hereby is, directed to make a full and searching investigation of rebating in every form directly or indirectly that affects the common carriers of the United States and report the same to the Senate.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. HEFLIN. Mr. President, I ask for a vote on the pending amendment to the amendment.

The PRESIDING OFFICER. The second branch of the amendment to the amendment reads:

Refined or synthetic, 5 cents per pound.

Mr. LA FOLLETTE. I ask for the yeas and nays.

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

Mr. GLENN (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. HAYDEN] and therefore withhold my vote. If I were free to vote, I should vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD'S name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. Not knowing how he would vote, I shall withhold my vote; but if permitted to vote I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. PHIPPS (when Mr. WATERMAN'S name was called). My colleague [Mr. WATERMAN] is unavoidably absent. He is paired for the day with the Senator from Utah [Mr. KING]. If my colleague were present, he would vote "yea" on this motion.

Mr. WHEELER (when his name was called). On this question I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the Senator from Minnesota [Mr. SHIPSTEAD] and will vote. I vote "nay."

The roll call was concluded.

Mr. BLEASE. I have a pair with the junior Senator from Maine [Mr. GOULD]. Not knowing how he would vote, I withhold my vote.

Mr. NYE. Upon this question my colleague [Mr. FRAZIER], who is unavoidably absent, has a pair with the senior Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "nay," and the Senator from Delaware would vote "yea."

Mr. FESS. I wish to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Nevada [Mr. PITTMAN].

Mr. SHEPPARD. I desire to announce that the senior Senator from Tennessee [Mr. MCKELLAR] and the junior Senator from Tennessee [Mr. BROCK] are necessarily detained from the Senate on official business.

I also wish to announce that the Senator from Arizona [Mr. ASHURST] is necessarily detained on official business.

The result was announced—yeas 48, nays 29, as follows:

YEAS—48

Allen	Goff	Kean	Robsion, Ky.
Baird	Goldsborough	Kendrick	Schall
Bingham	Greene	Keyes	Shortridge
Broussard	Grundy	McCulloch	Smoot
Capper	Hale	McNary	Stelwer
Copeland	Harrison	Metcalf	Stephens
Couzens	Hatfield	Oddie	Thomas, Idaho
Dale	Hawes	Patterson	Trammell
Deneen	Hebert	Phipps	Vandenberg
Fess	Heflin	Pine	Wagner
Fletcher	Johnson	Ransdell	Walsh, Mass.
Gillett	Jones	Robinson, Ind.	Watson

NAYS—29

Barkley	Cutting	Norbeck	Swanson
Black	Dill	Norris	Thomas, Okla.
Blaine	George	Nye	Tydings
Borah	Glass	Overman	Walsh, Mont.
Bratton	Harris	Sheppard	Wheeler
Brookhart	Howell	Simmons	
Caraway	La Follette	Smith	
Connally	McMaster	Steck	

NOT VOTING—19

Ashurst	Gould	Moses	Sullivan
Blease	Hastings	Pittman	Townsend
Brock	Hayden	Reed	Walcott
Frazier	King	Robinson, Ark.	Waterman
Glenn	McKellar	Shipstead	

So Mr. KEAN'S amendment, as modified, to the amendment was agreed to.

The VICE PRESIDENT. The question is upon agreeing to the committee amendment as amended.

Mr. GEORGE. Mr. President, I was about to make the inquiry: The question now is on the restoration of 5 cents duty upon this product?

The VICE PRESIDENT. Yes.

Mr. GEORGE. Mr. President, I desire to take occasion to say to the Senator from Utah that if he is going to follow the practice of agreeing to the reopening of duties that we already have voted upon when we considered the bill for committee amendments, the bill is going to be here very much longer than the Senator would like to see it, perhaps.

Mr. SMOOT. What does the Senator have reference to?

Mr. GEORGE. I have reference to this vote. This was a Senate committee amendment. When it was reached on the floor of the Senate we had a discussion of it, we had a vote on it, and the Senate agreed with the House rate on synthetic camphor. The much-derided Hawley bill reduced the duty from 6 cents to 1 cent, and the Senate agreed, over the Finance Committee's recommendation, to the House rate. That closed this matter, of course, it being a Senate committee amendment, until the bill should get into the Senate from the Committee of the Whole. The bill is not yet in the Senate; but this morning the Senator from Utah assented to a reconsideration of the vote which was taken in the Senate when we were considering Senate committee amendments to this particular paragraph, and we have consumed the morning upon the question.

Mr. President, if the Senator from Utah is going to follow that procedure, he may expect very long delay before this bill actually comes out.

Mr. SMOOT. Mr. President, the Senator from Utah does not desire to follow any other course than that which he has mapped out, and he could not do so except by unanimous consent; but if the Senator from Georgia gives notice now that he will object to all unanimous-consent requests to vote upon a paragraph or an item within a paragraph that has already been voted upon by the Senate, I am perfectly willing to follow that course.

Mr. BARKLEY. Mr. President, if the Senator from Georgia will yield, I will say publicly what I have already said to the Senator from Utah privately: That I propose to object to any more unanimous-consent requests to reopen amendments that we have already passed on, no matter from what source they come.

Mr. SMOOT. The Senator did say that to me just a short time ago.

Mr. GEORGE. Now, Mr. President, on the merits of this matter I wish to have just this additional word:

In 1922 a rate of 6 cents per pound on synthetic camphor was given in order to foster an experimental enterprise in this coun-

try. The company that desired that tariff has long since ceased to engage in active business, according to my information. Another company now comes to the Congress and asks that the high rate of duty be continued. That is the state of the case at this moment.

Our imports are ranging between two and three million pounds per year. Our production is less than 200,000 pounds. We are producing about 500 pounds a day, but we are consuming nearly 3,000,000 pounds of synthetic camphor a year.

What I want to say to the Democrats is this: The Ways and Means Committee of the House reduced to 1 cent a pound the duty on synthetic camphor which had been given to those who wished to experiment in making it. The House of Representatives passed the bill as the Ways and Means Committee shaped it and reduced the duty on synthetic camphor from 6 cents to 1 cent per pound. All over this land Democrats and Liberals have denounced the Hawley bill, have denounced the House bill; yet in a vital matter which can not possibly be defended, when we are making practically none of the product, and under the stimulus of a high rate of duty have not been able to make it since 1922, we raise the low rate of duty fixed in the House bill and put it back to 6 cents a pound.

The time has come for very plain speaking, Mr. President. What can be the answer of Democrats when they raise their voices against the Hawley bill, when here on this floor, on one of the most indefensible paragraphs of the entire bill, vote to increase the Hawley rates 500 per cent? What answer can our party make?

There is not any question about what has happened in this matter. There is not any doubt about what has happened in this matter. The House wisely, justly, properly reduced this rate to a point where it ought to have been. The bill passed the House and came to the Senate. The then Senator from New Jersey, Mr. Edge, in whose State this one enterprise is located, was a member of the Finance Committee of this body; and he, with the aid of his colleagues on the Republican side, increased this duty to 6 cents. I undertake to say that no enterprise is entitled to have a duty that costs the American people nearly $200,000 a year in duty paid, when after practically nine years that enterprise is able to produce under the high rate in the Fordney-McCumber bill but 500 pounds of the product per day, and we are consuming between two and three million pounds of that product.

There is the case; and I am stating it as strongly as I can. It will not lie in the mouth of any Democrat to go before the country and condemn the Hawley bill when, without the slightest pretext or reason, Democrats are proposing to increase the rates over the Hawley rates 500 per cent.

Mr. SMITH. Mr. President, the Senator means some Democrats—some so-called Democrats.

Mr. GEORGE. I do not put it that way, Mr. President. I say "Democrats." I do not want to raise any issue with my colleagues except upon the merits of this matter; and I am confining my discussion strictly to the merits of it.

Here is a case: A Missouri concern came to Congress in 1922 and said, "Give us a rate on synthetic camphor above the rate upon crude camphor," and the Fordney-McCumber tariff writers gave them a rate of 6 cents a pound. The Missouri concern discontinued its enterprise at some period of time between the granting of that rate and the present hour. After nine years we come back to make another tariff bill, and a New Jersey concern comes down and says, "Give us a rate on synthetic camphor and we will produce it." The facts disclose that they have produced but 500 pounds a day; and even the House committee and even the leaders of the House who wrote this monstrosity—this outrageous tariff bill, as I have heard it condemned; this bill that has received the condemnation of liberals of both parties, north, south, east, and west—cut this rate back from 6 cents a pound to 1 cent a pound. Yet we come in here in the Senate and put the rate back to 5 cents a pound upon this vitally necessary commodity—a commodity which we must import, which we must continue to import, and on which the American people have paid nearly $2,000,000, or over $1,000,000 at least, in duty at the ports since we put the tax or tariff at 6 cents a pound upon synthetic camphor; and we propose to go on paying $2,000,000 out of the pockets of the American people, $2,000,000 during another nine years, while some other chemical industry in the State of some other Senator who has the honor and enjoys the privilege of membership on the Finance Committee of the Senate continues the manufacture for another period.

Mr. President, if there were the slightest expectation within reason that we could produce in this country any appreciable part of the synthetic camphor that we must use, the case would be different; but is nine years, when the world was crippled, when all the patents of other nations that were really competitive with ours had been taken over by the American people as the result of the war—is nine years a sufficient length of time, while the world lay prostrate, to demonstrate whether we could produce synthetic camphor?

But we heard this morning—I have heard it so much that I do not propose to sit silent when some one repeats it—"But suppose Japan and Germany form a cartel and refuse to let American soldiers have camphor if, perchance, we go into another war"—the cool, bald assumption that every other people upon this globe is inhuman and capable of action that would be condemned even under the rules of warfare, and that we, ourselves, alone possess the virtue of the world; that we, ourselves, alone will not put up prices and will not deny other people supplies unless they meet our demands and our conditions!

Yet the war is fought over again, Germany is in the background, and Senators quake in their shoes when you talk about dye industries and coal-tar products and camphor and synthetic drugs. Germany looms up again, and we are in danger of another war!

Mr. President, that is all a pretense, pure and simple. It is intended as a pretense, nothing but a pretense. The thing that is back of it is greed, selfishness, the willingness to tax the American people if only you can have another industry in your State; that is all.

Talk to me about Germany, talk to me about the danger to the United States in another war if we do not continue to tax our people, talk to me about the imminent possibility that we will be without camphor in another war. Without camphor! Without drugs!

Mr. President, if some powerful financial interests in this country were not such great contributors to the campaign funds of my party, as well as the Republican Party, we would be able to write tariffs on a basis more nearly just.

Mr. SHORTRIDGE. Mr. President, does not the Senator think his last expression is a reflection upon the Senate?

Mr. GEORGE. Mr. President, I am merely trying to tell the truth. Let no Democrat condemn the Hawley bill as it came from the House if he is able to bring himself to vote to boost the Hawley rates upon synthetic camphor, which must be used in one form or another, which does enter in one form or another into the products which so many of the American people use, boost those rates 400 per cent above the rates carried in the Hawley bill.

Mr. President, wherever there is an industry that is entitled to a fair measure of protection, I would not, if I could properly understand and properly evaluate the facts, be heard in opposition to it. I have supported all the high rates on agricultural products, conscious though I was that many of those rates would not reflect themselves back in the prices which the farmer would receive for his products, but hopeful as I am that the farmer may receive some benefit from at least some of the rates, or perhaps a majority of the rates, in the actual prices of his products.

I voted for the rates upon the products of the mine, I have supported the rates upon the products of the field, I have supported the rates upon the products of the forest, but there is no reason why the rates strictly and exclusively industrial should be boosted beyond their present high level, certainly except in a few isolated cases which any of us might be able to enumerate upon the fingers of one hand.

Then when we come to consider an industrial rate like this, with the history back of this particular duty, in the light of the facts existing at this moment, it seems to me that, while the item itself is relatively a small item, it is the sum total of the small items which pile the burden upon the shoulders of the American consumers—yet this rate, when it is analyzed, as we must analyze tariff duties presented to the Congress for consideration, stands upon no possible basis of justification except the forlorn, the futile, the idle hope that in nine years more, perhaps, while the American people pay the bills, the industry in this country may develop a production really worth while.

What is the capital of the enterprise? It has been said it is $250,000. If that is true, the American people can pay it back every year in the actual duties that are taken out of the pockets of the American consumers.

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

Mr. GEORGE. I yield.

Mr. SHORTRIDGE. Has the Senator considered this item from the revenue standpoint? I understand we derive in revenue on this item somewhere in the neighborhood of $200,000.

Mr. GEORGE. Mr. President, I am not disposed to consider tariff from the revenue standpoint when during this Congress we have given back $160,000,000 to the taxpayers—many of them large taxpayers. That is my answer to the Senator from California.

Mr. HARRISON. Mr. President, I never cry over spilled milk. I have on many occasions in this Chamber been defeated in some particular contention, but I have always taken my defeats gracefully, and acquiesced in the will of the majority. I have tried to feel that all the wisdom of the world is not couched in my particular intellect. I have felt that everybody had that freedom of action and freedom of opinion and freedom to exercise his judgment with reference to special matters that I claim for myself, and I have never permitted myself to be provoked into a passionate frenzy to abuse my fellow Democrats or my fellow Senators because they differed from me.

In my attitude toward matters brought before us here in connection with this bill and in connection with other matters, I have tried to exercise and apply my best judgment, to be fair to various interests involved, to be fair to the whole people. I do not know why this particular small item should provoke such feeling as to call at this late time for an excoriation of our action.

We on this side have differed about rates, as have Senators on the other side, but the fact that one of my brethren here should think it wise to apply to a product the rate in the present law, or should think it wise to reduce it from the rate carried in the present from 6 cents a pound to 1 cent a pound, should not give me any reason for doubting either his Democracy or his high motives.

I remember questions which arose in connection with this bill where, if I had wanted to be mean enough, I could have cited certain votes of certain gentlemen, or their failure to vote upon certain questions where the vote was very close; but I would not do that. I have tried to conduct myself so that I would not make anybody feel angry at me. I do not want to hurt the feelings of anyone. I think it is better to discuss these questions upon a high plane, and consider only the facts. Why now, after the vote is taken, there should be a stinging rebuke administered to some of us who think we are fairly good Democrats, I do not quite understand.

What is the picture before us? What is it for which some of us are castigated? What is it that has drawn this fire of condemnation upon somebody, not because we were paired on cement and had the courage to show our hands, not because we stood here and voted for or against the rate on rayon, not because I voted one particular way on kaolin. No; but our votes are made the subject of criticism when we are considering the item of synthetic camphor, in the production of which great progress has been made by the German people, who send it to us by the millions of pounds, an article made from a raw product produced in the United States, when an industry is started in the United States at the invitation of the Government through rates fixed in a tariff bill, where the industry is making some of the product, not a great deal, about 500 pounds a day. It is to be hoped by all of us that they will make more, and we vote, not to increase the rate of the present law but to reduce it from the rate in the present law of 6 cents a pound to 5 cents a pound. That is why we receive the castigation.

Oh, it is said that Germany sends us the synthetic camphor, and that they get the raw material—the turpentine—from this country, that we send it hardly anywhere else, and that our producers of turpentine are to be benefited.

Mr. President, we are not the only country in the world that produces turpentine. It is produced in France, great quantities of it are produced in France, 7,000,000 gallons a year. It is produced in Spain, it is produced in Austria, and it is produced in lower Europe. They are our competitors in this particular line, and they would be delighted and everyone filled with a desire to turn our market over to foreign competitors would be delighted if they could get full control of the manufacture of synthetic camphor for use in the United States.

I said in my opening remarks that I did not believe it is just fair, when the present rate is 6 cents a pound and when the men have engaged in this business, even though it may have been with a small capital of $500,000 or $250,000, on the assurance that they should have that rate, that we should now wipe out the rate entirely or reduce it to 1 cent a pound. What consistency is there in this reduction of the rate from 6 cents to 1 cent? If that contention is right, why not put it on the free list altogether? But Senators change their argument and they say, "Now, we are trying to boost the rate." But we are not trying to boost the rate at all. When the matter was considered in the Senate the amendment fixing a rate of 6 cents a pound had received little or no consideration. When it came before the Senate for consideration there was no roll call on the matter. Personally I had not investigated it. I scarcely knew at that time that turpentine entered into the manufacture of synthetic camphor. I think I know enough about the facts now to justify my belief that at least it is fair to those people who have invested their money upon that assurance not to wipe them out entirely by taking off all of the rate, or even reducing it to 1 cent. Indeed, the fact that the people engaged in the business have little capital—and I do not even know who they are—would enlist my sympathy more than if it were some gigantic monopoly or moneyed corporation in the country which was involved.

So I submit, Mr. President, that when we look at the facts we were justified in the rate of 5 cents a pound on synthetic camphor, a reduction from the present rate of practically 20 per cent, and that the facts warranted that reduction. Let us stop questioning other people's motives here. When we take our vote let us concede that all of us are prompted by high purposes in the consideration of these matters.

Mr. WALSH of Massachusetts. Mr. President, I was obliged to leave the city early yesterday afternoon and did not return here until about half an hour ago. Therefore, I have had no opportunity to hear the debate with reference to the particular item now before the Senate. I entered the Chamber after the announcement of the pending question had been made. I sought to reach a decision as to how I should vote, and my mind went back to the debates that took place in this Chamber in 1922 and also went back to one community in my State, which happens to be the one in which I was born—Leominster, Mass., which produces more celluloid products than any other community in the world. It is a thriving city of 20,000 people who earn their livelihood and enjoy their prosperity largely through these industries. They formerly produced horn combs. My father was a pressman standing in front of the fire just as the blacksmith does, and with his prongs thrusting into the fire the horn of the western cattle that had been cut in preparation for flattening ,and after the horn was heated, placing it on the anvil and with his hammer flattening it out, and then the flat horn was passed on to the machine which cut out the teeth of the horn comb. That industry—the horn-comb industry—passed away in time and celluloid combs and fancy articles of all kinds made of celluloid have taken the place of the particular industry, which gave my father and our neighbors their first employment.

I remember that this celluloid industry during the war was held by the throat by Japan because one of the most important and basic articles in the making of celluloid is camphor. At that time I participated in the debates with the Senator from Utah [Mr. SMOOT]. I noted that some figures were then put in the RECORD showing the tremendous increase in the price that was extorted from our manufacturers who depended upon Japan for camphor as one of their raw products. If I am not mistaken, the price went from a few cents a pound to extreme limits.

Mr. SMOOT. The price went to over $4 a pound.

Mr. WALSH of Massachusetts. All of what I have said is preliminary. This tariff rate upon camphor was brought to my attention by the men who own and operate these industries, whom I know personally, and most of whom grew up with me. These small and large celluloid establishments are owned by various individuals, some of whom went to school with me, because I was born in Leominster and have lived within a few miles of my birthplace ever since. My former neighbors in this industry came to see me and discussed this matter of a tariff on camphor, and suggested that the duty be permitted to remain as it is in the present law, in the hope that the camphor industry might ultimately be developed in the United States. They had misgivings, as I have, as to whether such an industry could be successfully developed in this country, and their sole motive was the chance that it might be and thereby they would be relieved from dependence upon a foreign source of supply and that controlled by a monopoly. I was impressed with the fact that they could not have a sinister motive. There was no personal advantage to these independent celluloid comb and novelty manufacturers in urging a tariff duty on a raw product that might mean increased costs to them, and I was impressed with the fact that at additional immediate expense to themselves they were asking to have developed here the camphor industry. It seemed to me they exercised a public spirit that was commendable. They were willing to make present financial sacrifices to be ultimately independent of Japan.

All these thoughts came back to my mind as I entered the Chamber just now, and I concluded, without hearing the debate, that my vote should be in approval of the views of those old neighbors of mine, who had petitioned me through no apparent selfish motives in favor of the proposal of trying to develop an independent camphor industry in this country. That is the offense of which I am guilty. I hope I do not need to apologize for it. I stand on the record.

Mr. COPELAND. Mr. President, I can not let the occasion pass without speaking a word in response to what the Senator

from Georgia [Mr. GEORGE] said. The other day I stated that General Hancock did not go far enough when he said "the tariff is a local issue." I say the tariff is an individual issue.

I must call the attention of my friend from Georgia—and no one in this Chamber loves him more—to the fact that when we had cotton rags here and where the item was of great importance in my section of the country in order that we might have a lower rate, the Senator vigorously, energetically, and successfully argued in favor of a higher rate upon cotton rags, and that rate has been imposed.

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

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). Does the Senator from New York yield to the Senator from Georgia?

Mr. COPELAND. I yield.

Mr. GEORGE. The Senator will recall that the rate was cut. It was reduced from what the committee had recommended and put practically at the existing rate. The record will bear me out.

Mr. COPELAND. That may be true, and I do not question that it is.

Mr. GEORGE. And that was my position.

Mr. COPELAND. But there was no reason, and I can see no reason now, why there should be a tariff placed upon cotton rags. However, my friend from Georgia, who castigates us because we voted in favor of a higher rate to-day upon the item of synthetic camphor, must remember that when his section of the country has a matter of interest here, he does not fail to protect it and to guard it and to fight for it, and I honor him for that attitude. He must bear with us when we do likewise.

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

Mr. LA FOLLETTE. Mr. President, if there is to be a vote upon the committee amendment as amended, I ask unanimous consent that it may be divided. It involves two items, one on menthol, concerning which the Senate has already acted when dealing with the committee amendment, reducing the menthol rate from the House rate of 75 cents a pound to 30 cents a pound. Therefore, if there is to be a vote on the question, I ask unanimous consent for the division of the amendment, namely, for a vote first upon line 20, paragraph 52, "menthol, 30 cents a pound."

Mr. HARRISON. The reduction has already been made by the Senate from 50 cents to 30 cents.

Mr. LA FOLLETTE. I was under the same impression as the Senator from Mississippi, but upon inquiry at the desk I find that is not the opinion of the clerks at the desk. Therefore, in view of the fact that we have the consent of the Senator from New Jersey [Mr. KEAN], I ask unanimous consent that the amendment may be divided now so that there will be no question about the situation.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent to divide the question as indicated. Is there objection? The Chair hears none, and the question will be divided.

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

Mr. LA FOLLETTE. Mr. President, I think there is no controversy over the first portion of the amendment, and I suggest we adopt that by a viva voce vote as indicated by the Chair and then have a record vote upon the committee amendment as amended.

Mr. NORRIS. The Chair has not yet stated what we are going to vote on first.

The PRESIDING OFFICER. The question has been divided at the request of the Senator from Wisconsin. The first vote comes on the portion of line 23 involving "menthol, 30 cents per pound."

Mr. NORRIS. I make no request for the yeas and nays in regard to that amendment.

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

The first branch of the committee amendment as amended was agreed to.

The PRESIDING OFFICER. The question now reverts upon the second branch of the committee amendment as amended.

Mr. NORRIS. And upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COPELAND. Mr. President, will the Chair state the form of the matter now pending so we may know how to vote?

The PRESIDING OFFICER. The clerk will state the pending amendment.

The CHIEF CLERK. On page 23, lines 20, 21, and 22, insert:

Camphor, crude, natural, 1 cent per pound; refined or synthetic, 5 cents per pound.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent.

Mr. SULLIVAN (when his name was called). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. Not knowing how he would vote if present, I withhold my vote; but if permitted to vote I should vote "yea."

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. MCKELLAR]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. WHEELER (when his name was called). Making the same announcement that I previously made in reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. NYE. I desire to announce, in the absence of my colleague the senior Senator from North Dakota [Mr. FRAZIER], that he is paired on this question with the senior Senator from Delaware [Mr. HASTINGS]; that if present and voting my colleague would vote "nay," and the Senator from Delaware would vote "yea."

Mr. FESS. Mr. President, I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN]; and

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE].

The result was announced—yeas 49, nays 29, as follows:

YEAS—49

Allen	Goff	Kendrick	Shortridge
Ashurst	Goldsborough	Keyes	Smoot
Baird	Greene	McCulloch	Steiwer
Bingham	Grundy	McNary	Stephens
Broussard	Hale	Metcalf	Thomas, Idaho
Capper	Harrison	Oddie	Trammell
Copeland	Hatfield	Patterson	Vandenberg
Couzens	Hawes	Phipps	Wagner
Dale	Hebert	Pine	Walsh, Mass.
Deneen	Heflin	Ransdell	Watson
Fess	Johnson	Robinson, Ind.	
Fletcher	Jones	Robsion, Ky.	
Gillett	Kean	Schall	

NAYS—29

Barkley	Cutting	Norbeck	Swanson
Black	Dill	Norris	Thomas, Okla.
Blaine	George	Nye	Tydings
Borah	Glass	Overman	Walsh, Mont.
Bratton	Harris	Sheppard	Wheeler
Brookhart	Howell	Simmons	
Caraway	La Follette	Smith	
Connally	McMaster	Steck	

NOT VOTING—18

Blease	Hastings	Pittman	Townsend
Brock	Hayden	Reed	Walcott
Frazier	King	Robinson, Ark.	Waterman
Glenn	McKellar	Shipstead	
Gould	Moses	Sullivan	

So the second branch of the committee amendment as amended was agreed to.

EXPENSES OF LOBBY INVESTIGATING COMMITTEE

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the desk. It simply proposes to increase the amount that may be expended by the lobby committee, that committee having already practically exhausted the amount previously allowed it.

The VICE PRESIDENT. Let the resolution be read for the information of the Senate.

The resolution (S. Res. 210) was read, as follows:

Resolved, That in furtherance of the purposes of Senate Resolution No. 20, agreed to October 1, 1929, the Committee on the Judiciary, or any subcommittee thereof, investigating the activities of lobbying associations and lobbyists, is hereby authorized to expend $10,000, or so much thereof as may be necessary, out of the contingent fund of the Senate in addition to the amount heretofore authorized for said purposes.

The VICE PRESIDENT. The Chair desires to call the attention of the Senator from Nebraska to the fact——

Mr. NORRIS. I was about to ask the Chair if he thinks that when a resolution simply proposes to increase the amount which a committee has already been authorized to expend it is necessary that it should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

The VICE PRESIDENT. The Chair is of the opinion that under the law that course will be necessary.

Mr. NORRIS. Very well.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NORRIS. Before I yield the floor, I should like to say to the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, who is present, that I think the resolution is only a matter of form and that there can be no possible objection to its adoption. The money heretofore appropriated for the so-called lobby committee has practically been exhausted, as I understand. I hope the Senator will have the committee act on the resolution at once, if he can possibly do so.

Subsequently, Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution favorably without amendment, and it was considered by unanimous consent and agreed to.

BIRTHDAY OF SENATOR LA FOLLETTE

Mr. COPELAND. Mr. President, I want to express my congratulations to the Senator from Wisconsin [Mr. LA FOLLETTE] on his birthday. I think the Senate should know that the Senator is to-day 35 years of age. When we observe, as we have this afternoon, the prowess, the skill, the oratory, and the fine ability he has displayed in the conduct of the question before us, and as we have witnessed the progressive strength of the Senator, I am sure I speak for all Senators when I extend hearty congratulations to him, and trust that he may be in the Senate for at least 40 years, which should be long enough for anybody!

Mr. LA FOLLETTE. I thank the Senator.

FELICITATIONS TO SENATOR SMOOT

Mr. HARRISON. Mr. President, I desire to express my felicitations to the Senator from Utah [Mr. SMOOT], who to-day, at the age of 46 years, is a great-grandfather. [Laughter.]

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. FLETCHER. I ask unanimous consent to have inserted in the RECORD at this point a telegram on the subject of plate glass, which I have just received from the French Mirror Plate Glass Co., of Jacksonville, Fla.

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

JACKSONVILLE, FLA., *February 5, 1930.*

Hon. DUNCAN U. FLETCHER,
United States Senator, Washington, D. C.

DEAR SENATOR: We wish to bring to your attention plate-glass tariff which will soon be scheduled and some of the difficulties which we are laboring because of the prohibitive duties proposed in the new bill on polished plate glass. Since the enactment of the tariff act of 1922 the American companies engaged in the manufacturing of polished plate glass have enjoyed an extraordinary era of prosperity; their profits have been enormous and their production has been quadrupled from 1921 up to the present date. In 1921 the American production of polished plate glass amounted to about 55,000,000 square feet; last year the total productive capacity of all plants manufacturing polished plate glass will reach nearly 200,000,000 square feet. We, personally, in the course of the last few years, and particularly so lately, have experienced difficulties in securing in this country the amount of glass we need for our requirements. The American manufacturers have repeatedly turned us down, giving as a reason that the orders on the books were larger than what they actually could produce. Under such circumstances we are at a loss to understand why further protection should be granted to the American plate-glass manufacturers.

Besides, it is to be noted that the Tariff Commission investigated cost of production here and abroad. Its findings were such that three members of this commission recommended a decrease in duty, while the other three members recommended an increase. The latter, however, were in agreement that figures pertaining to cost of production for the year 1925, the last year investigated by the Tariff Commission, indicated the necessity for a reduction in duties. In other words, the six commissioners were in agreement that if, as usual, the Tariff Commission had limited its investigation to the most recent costs, a reduction in duties would have been justified. Conditions which have prevailed since 1925 indicate that a further reduction in duty would be justified because of the ability of the American producers to reduce their cost considerably through the development of new methods of production, the cost of which was entirely eliminated by the Tariff Commission. Although our interests are considerably smaller than that of the American producers of polished plate glass, it should be noted that a great many people throughout the country are in a position similar to ours. If our individual interest may be smaller the total interests at stake are important. We remain of the opinion that they should receive at least as much consideration as the Pittsburgh Plate Glass Co., which controls 77 per cent of the total production of polished plate glass in the United States outside of what is produced by the automobile interests for their own requirements.

As one of your constituents, we therefore earnestly apply to you for protection against the prohibitive duties proposed on polished plate glass, and will appreciate your efforts to cast your vote in behalf of lower duties.

Respectfully yours,

FRENCH MIRROR PLATE GLASS CO.

Mr. BARKLEY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Kentucky proposes an amendment which will be read for the information of the Senate.

The CHIEF CLERK. In paragraph 82, on page 32, it is proposed to strike out line 4, as follows:

Bicarbonate or baking soda, one-fourth of 1 cent per pound.

Mr. BARKLEY. Mr. President, the object of the amendment is to remove sodium bicarbonate, which is the technical name for common cooking soda, from the dutiable list, bearing one-fourth of 1 cent per pound duty. The reason why I offer the amendment is that we produce about 250,000,000 pounds of this soda per year, while we only imported in the highest year since 1910, 293,000 pounds, which has gradually fallen to 103,000 pounds in 1927; and in 1928 we exported 18,711,000 pounds. So we have an enormous domestic industry; we have an enormous exportation of the product from this country; we have practically no imports at all, and I think there is no reason why this item should be on the dutiable list.

Mr. FLETCHER. Mr. President, will the Senator state what effect his amendment will have. If his amendment shall be agreed to, will sodium bicarbonate then go on the free list or will it fall in the basket clause?

Mr. BARKLEY. It is my intention to move to put it on the free list. Of course, it will take another amendment to put it on the free list, but we ought to strike it out here while we are on this schedule.

Mr. SMOOT. Mr. President, the Senator has stated the facts, but I do not see why sodium bicarbonate should be placed on the free list even if the facts be as he has stated them. The rate of duty proposed is only one-fourth of a cent a pound. I admit that there are exportations to Canada and other near-by countries, but the Senator knows that sodium bicarbonate is produced in different sections of the country, and the competition amongst the domestic producers has kept down the price. I suppose the price of the commodity now is about as low in the United States as it is anywhere else in the world.

Mr. BARKLEY. Of course, there is some competition among domestic producers, but there is no foreign competition; and why should the people be required to pay any tariff at all on sodium bicarbonate? Why should the producers be able to use the tariff which is levied on the commodity, when there is none coming in, as a basis for any possible increase? That is more especially emphasized in recent years in view of the combinations that have gone on among certain producers of food products in the United States.

Mr. WALSH of Montana. Mr. President, I desire to present a question of procedure in this matter.

Mr. BARKLEY. I yield to the Senator.

Mr. WALSH of Montana. The Senator from Kentucky is apparently of the view that if it is proposed to put any of these commodities upon the free list, it is now necessary to address an amendment to the provision of the bill in the other branches. The question was raised the other day; and the Senator from Utah advised that in that case the appropriate procedure would be to pass the item until the free list was reached, and then to amend the free list by including the particular item, and then go back.

It is a matter of indifference to me which course is pursued; but apparently the Senator from Kentucky is of the view that if it were passed he would not then have an opportunity to make such a motion.

Mr. BARKLEY. The question arose the other day on a different proposition. I was seeking there to insert in the basket clause of this schedule a commodity that is now on the free list, and the Senator from Utah I think correctly stated that in order to insert that commodity in this paragraph we would have to wait until we got to the free list and take it out of the free list. But now we have reached a paragraph which I want

to strike out; and in order to strike it out we have got to do it now or else wait and go to the free list and insert it in the free list, and then come back here and strike it out.

Mr. WALSH of Montana. That is the practice I supposed was to be pursued.

Mr. BARKLEY. But I do not think that is the best practice. I think we ought to make these changes as we reach the items, even though we have to keep in mind making another change when we get into the free list.

Mr. SMOOT. I think, though, that in a case like this, where there is no amendment, the best thing to do is to leave it until we get to the free list, and then, if it is put on the free list, of course we can immediately come back and have it stricken out here.

Mr. BARKLEY. I am perfectly willing to amend my amendment by providing that on page 268, line 22, before the word "Nitrate," the words "bicarbonate or baking soda" be included, which will carry it on into the free list. I think we ought to clear up these matters as we go along and correct them when we get to the free list.

Mr. SMOOT. Mr. President, I have stated to a number of Senators that wherever it is desired to have an amendment made in any of the paragraphs with the intention of taking an item from a paragraph and putting it on the free list we prefer very much to have the amendment offered when the free list is up for consideration. I am aware, however, that it is just as simple—and perhaps in this case more so—to act now and have it attended to now; and if there is no objection by Senators, I am perfectly willing that it should be acted upon now.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

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

Mr. BARKLEY. I yield.

Mr. LA FOLLETTE. I was going to suggest to the Senator that while we have these items under consideration and are debating them, and are more or less familiar with them, it might save time if we could dispose of even those items which, if the amendments were agreed to, would be transferred to the free list.

Mr. SMOOT. They would automatically go there, anyhow. I have no objection, if there is no objection on the part of the Senate.

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

Mr. BARKLEY. I will amend my amendment, in effect, by adding this to it:

At the end of line 24, page 268, after the word "cake," insert "bicarbonate or baking soda," so that it will go to the free list if the amendment is adopted.

Mr. SMOOT. All I will ask, then, Mr. President, is that we take a vote upon it.

The VICE PRESIDENT. The question is upon agreeing to the amendment of the Senator from Kentucky, as modified.

Mr. SMOOT. Let us have the yeas and nays upon it.

Mr. LA FOLLETTE. Mr. President, if we are going to have the yeas and nays, I should like to be heard briefly after the Senator from Kentucky has concluded.

Mr. BARKLEY. I do not see why it is necessary to take up very much time on a simple proposition like this. I can not understand why it is thought necessary.

Mr. SMOOT. Mr. President, I do not want to agree to this amendment unless we have a vote, because there may be Senators who would object to it and would want to say something about it. If we have a vote, they will be here in time; and if they want to say anything, they can do so.

Mr. BARKLEY. They can not say anything after the roll call starts.

Mr. SMOOT. But they will know how to vote.

Mr. FESS. Mr. President, before we vote, I ask unanimous consent to submit an amendment to Schedule 7.

The VICE PRESIDENT. The amendment will be printed and lie on the table. The question is on agreeing to the amendment offered by the Senator from Kentucky, as modified. [Putting the question.] The Chair is in doubt.

Mr. LA FOLLETTE. I call for a division, Mr. President.

Mr. BARKLEY. We might just as well have the yeas and nays in the first place.

The yeas and nays were ordered.

Mr. LA FOLLETTE. Mr. President, may I suggest to the Senator from Kentucky that if all of these amendments are going to be resisted, we might just as well, and in fact better, put the arguments into the RECORD before the roll is called, because Senators will be coming in here to vote and they will not be informed about the subject, and the RECORD will not even show what the arguments were.

I agree with the Senator from Kentucky that, on the facts which are available from official sources, there is absolutely a case for putting this article on the free list; but if we are going to have this fight all the way through the bill we might just as well dig in in the trenches, recognizing that we are going to be here next summer still dealing with the tariff, and proceed on that theory, and present our arguments and make the record.

Mr. BARKLEY. I agree with the Senator, and I suppose for the benefit of posterity the arguments ought to be embalmed in the RECORD; but for the benefit of the immediate vote I doubt whether it is worth while, because Senators who will not stay here to consider arguments offered for and against amendments will be trooping in after a little and asking those who are here what it is all about, and we have to make our explanations over and over again individually, when as a matter of fact we have already put them in the RECORD.

For the sake of the RECORD, however, I desire to reiterate what I have already stated—that there is no excuse whatever for keeping this article on the dutiable list. We produce 242,000,000 pounds of it, and export 19,000,000 pounds, and import only 103,000 pounds. If there has ever been a case made out in favor of transferring from the dutiable list to the free list an item in this tariff bill, certainly it ought to apply to an article that is so universally used in this country as cooking soda—an article that is a necessity in every kitchen and household in the United States.

If anything more can be said on the subject, I will leave it to the Senator from Wisconsin to supplement what has already been said.

Mr. LA FOLLETTE. Mr. President, the Senator from Kentucky has stated the case very clearly, and it would be futile for me to repeat what he has said; but I did want the RECORD to show the facts before any roll-call vote was taken, so that the constituents of Senators may understand how they are casting their votes on this bill.

Mr. BARKLEY. I should like to designate the Senator from Wisconsin to stand at the door as Senators come in after the roll call is started, and inform them as to what has been said in their absence.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky, as modified. The clerk will call the roll.

The Chief Clerk called the roll.

Mr. NYE. My colleague [Mr. FRAZIER] has a pair on this subject with the Senator from Delaware [Mr. HASTINGS]. Were they present and voting, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. WHEELER. Making the same announcement that I made before, I vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN]; and

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING].

The result was announced—yeas, 41, nays 38, as follows:

YEAS—41

Ashurst	Dill	McKellar	Swanson
Barkley	Fletcher	McMaster	Thomas, Okla.
Black	George	Norbeck	Trammell
Blaine	Glass	Norris	Tydings
Borah	Harris	Nye	Wagner
Bratton	Harrison	Overman	Walsh, Mass.
Brookhart	Hawes	Sheppard	Walsh, Mont.
Caraway	Heflin	Simmons	Wheeler
Connally	Howell	Smith	
Copeland	Johnson	Steck	
Cutting	La Follette	Stephens	

NAYS—38

Allen	Goff	McCulloch	Schall
Baird	Goldsborough	McNary	Shortridge
Bingham	Greene	Metcalf	Smoot
Broussard	Grundy	Oddie	Steiwer
Capper	Hale	Patterson	Thomas, Idaho.
Couzens	Hatfield	Phipps	Townsend
Dale	Hebert	Pine	Vandenberg
Deneen	Jones	Ransdell	Watson
Fess	Kean	Robinson, Ind.	
Gillett	Keyes	Robsion, Ky.	

NOT VOTING—17

Blease	Hastings	Pittman	Walcott
Brock	Hayden	Reed	Waterman
Frazier	Kendrick	Robinson, Ark.	
Glenn	King	Shipstead	
Gould	Moses	Sullivan	

So Mr. BARKLEY'S amendment, as modified, was agreed to.

Mr. BARKLEY. Mr. President, I offer an amendment on the same page.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 32, line 5, to strike out all of line 5, as follows:

Borate or borax, refined, one-eighth of 1 cent per pound.

Mr. BARKLEY. Mr. President, that amendment does the same for refined borate or borax that the other amendment did for soda. In order to put that on the free list all that is necessary is, on page 251, line 18, to strike out the words "crude or unmanufactured," and I desire to offer that amendment in connection with the amendment I have offered on page 32.

I will state the facts about borax.

Mr. SMOOT. Mr. President, I call the Senator's attention to the fact that the statement he made was perhaps a little in error. I understood him to say that his amendment would be, on page 251, to strike out the words "crude or unmanufactured." That would not accomplish what the Senator desires, because borax and borate of lime and borate of soda and other borated material would be there.

Mr. BARKLEY. In view of the confusion, I think we had better pass that part of the amendment referring to the free list until later and work it out.

The VICE PRESIDENT. The Senator will modify his amendment.

Mr. BARKLEY. I withdraw the part of the amendment applying to page 251, and offer the amendment simply on page 32.

Mr. SMOOT. All the Senator would have to do would be to make a new paragraph in the free list, if the amendment were agreed to, and I sincerely hope it will not be agreed to.

Mr. BARKLEY. Mr. President, the facts about this are very brief and very simple. In 1927 we produced 129,000,000 pounds of borax. We imported 13,000 pounds. In 1928 we imported 211,000 pounds. In 1922 we exported 17,651,000 pounds, and there were practically no imports as compared with the domestic production and exports.

In other words, with a total domestic production of 129,000,000 pounds, with a total exportation of over 17,000,000 pounds, in 1927 we imported 13,000 pounds. This makes out even a better case for transferring this item to the free list than was the case with cooking soda, on which we just voted. I do not wish to consume the time of the Senate. There is nothing else that can be said, because the figures I have stated were taken from the official records.

Mr. SHORTRIDGE. Mr. President, I read from the Summary of Tariff Information as it bears upon this particular item:

Production: Crude borate materials are mined in the United States, Chile, Turkey (Asia Minor), Italy (as boric acid from volcanic fumaroles), Peru, Argentina, Bolivia, and Germany. Before the World War the United States produced nearly half of the world's supply, Chile about one-third, and Turkey about one-tenth. During and since the war the proportion supplied by the United States has increased. In the United States the borate deposits in Death Valley, Calif., formerly constituted the chief source of supply. In recent years production of borax from the brines of Searles Lake, Calif., as a coproduct of muriate of potash or potassium chloride has been large. The borax produced in conjunction with potash is a refined product requiring no further purification.

I beg to add that two deposits have recently been discovered in Kern County, Calif., and have become important sources of production.

It is quite true, as the Senator from Kentucky has stated, that the American production of this article is great. It is also true that we have exported large quantities. It is, moreover, true that the imports have fallen off and may be said to be relatively inconsequential. But this fact, I submit with deference, should not be overlooked, that the price of this article has steadily declined, and is perhaps lower to-day than it has ever been, with the exception of several short periods.

This industry is important; it employs American labor, skilled and unskilled; and we see that the small rate of duty has not imposed any burden upon the consumers, because the price has steadily declined.

I submit that while the imports are small the revenue derived is not to be overlooked. No injury whatever has come to the American consumer. Some revenue has been derived. Therefore I submit to my thoughtful friends that in such a situation there is no necessity for changing the present rate and placing this article upon the free list.

No one is burdened, no one is crying out against the existing rate of duty, and therefore, addressing myself, if I may, directly to the Senator from Kentucky, I submit that there is no tariff argument which calls for a placing of this article on the free list.

Perhaps it is unnecessary to say more, except it be to express the hope that we shall suffer the law to remain as it is. Of course, if this article is placed upon the free list I am not prepared to say but that the imports might not materially increase, and to that extent interfere with the American industry. If every pound of this article were found and produced in Kentucky, I should express the same views. I may not be a statesman, but assuredly I am not a State man when it comes to this question of a tariff——

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. SHORTRIDGE. Certainly.

Mr. BARKLEY. The Senator knows of course, that I appreciate these very fine qualities which I agree he possesses, and I hope in some small degree I share them——

Mr. SHORTRIDGE. I reciprocate.

Mr. BARKLEY. But the United States produces one-half of all the borate products of the world.

Mr. SHORTRIDGE. Granted.

Mr. BARKLEY. We are exporting——

Mr. SHORTRIDGE. True.

Mr. BARKLEY. Over 17,000,000 pounds per annum.

Mr. SHORTRIDGE. I glory in that fact.

Mr. BARKLEY. I have not figured it up, but the exports of seventeen and a half million pounds compared with the imports of 13,000 pounds certainly show a very small amount of competition with a country that is producing more than half of the world's supply.

Mr. SHORTRIDGE. I wish we were producing it all; but we are doing pretty well. Why change the situation? What is the call for it

Mr. BARKLEY. There is no need for any sort of tariff at all on an article that is used universally as a medicine, as an eye wash, and also, in addition to its medicinal qualities, is used in the manufacture of commodities that are household necessities.

Mr. SHORTRIDGE. It may appear to be old-fashioned on my part, and this thought may be antiquated and long since abandoned, but I still claim that the Constitution gives us the power to lay and collect duties for revenue purposes—"to pay the debts and provide for the common defense and general welfare of the United States." There was a time when my Democratic friends made night hideous by their clamor and demand and argument and appeal for a "tariff for revenue only." I want that doctrine to be revived a little bit, to be kept alive, not to be utterly disowned and abandoned.

Mr. BARKLEY. The Senator will admit, I suppose, that a tariff based on revenue presupposes two things. One is that the revenue is needed.

Mr. SHORTRIDGE. Assuredly we need the revenue.

Mr. BARKLEY. And another is that it will be produced.

Mr. SHORTRIDGE. Yes.

Mr. BARKLEY. The revenue certainly is not needed, because we have just reduced the revenues $160,000,000 a year, and if it is doing so little harm as the Senator indicates, the one-eighth of 1 cent a pound on this universal commodity is not producing a great amount of revenue.

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

Mr. SHORTRIDGE. In a moment. In the first place, Mr. President, this small tariff duty on this article is not doing any harm, but some good. I have frankly admitted that the revenue derived is small in amount. But the thought advanced by the Senator from Kentucky and expressed yesterday by other Senators is and was this, that because, forsooth, we had reduced the taxes for the current year, retroactive in nature, therefore, we did not need any more revenue or did not need to look for any more revenue. For the RECORD's sake I want to make this statement. In round figures, we are called upon to raise some $4,000,000,000 per annum to carry on the business of the Nation.

We still have a national debt of something like $16,500,000,000, which bears interest. Interest on debts due us from foreign nations, income taxes, the leasing and selling of public lands—from these and sundry sources we must obtain some $4,000,000,000 to carry on and meet the obligations of the Nation. Last year we received some $602,000,000 from customs duties.

Mr. STECK. Mr. President——

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

Mr. SHORTRIDGE. I will yield to the Senator gladly.

Mr. STECK. The Senator from California is talking about this particular item, but he is talking in millions and billions of dollars of income of the Government. If he will use his pencil a moment, he will find that the income of the Government in 1927 from this source was $16 and in 1928 it was less than $250,

which would not pay for the time he is taking in discussing the matter in the Senate now.

Mr. SHORTRIDGE. Perhaps not; but talk is cheap.

Mr. STECK. Not in the Senate.

Mr. SHORTRIDGE. My thought is, and I hope it will not be forgotten here or elsewhere, that the power to levy these tariff rates springs directly out of our delegated power "to lay and collect" duties on imports and out of other provisions of the Constitution, one of which gives us the power and right to regulate commerce with foreign nations and among the several States. In considering a tariff bill from the first section to the last we should carry in our minds two propositions, that the tariff duty is levied for a revenue purpose and also for what we are pleased to call protective purposes.

I say it with respect, that for more than 50 years and until comparatively recently eminent Democratic statesmen have preached the doctrine that our power is limited to the levying of a tariff "for revenue purposes only," and that we had no constitutional power or right to take into consideration what the Whig Party and the Republican Party have termed—I think appropriately—the protective idea or purpose. But whether we consider a tariff bill from a revenue standpoint or from a protective-tariff standpoint, in this instance I admit there is an inconsequential revenue, but still it is something. There is no depression of the business of the country or injury done to any consumer resulting from this duty, for we see that the price of the article is lower to-day than it has ever been. In view of all the facts in the case—the fact that we have prospered, that we have a large export trade, that the imports are comparatively inconsequential and duties collected small—there is no reason for putting this article on the free list.

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

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I will, if the Senator from Utah will agree, inasmuch as the amendment relates to the same subject, propose an amendment in three or four lines at the same time. On page 32, line 12, substitute the numeral "2" for the numerals "2¾"; in line 15, strike out "3½ cents per pound" and substitute "25 per cent ad valorem"; and in lines 16 to 20, after the parenthesis in line 16, strike out all down to and including the word "pound," where it first occurs in line 20.

Mr. SMOOT. The latter suggestion has already been agreed to.

Mr. BARKLEY. Then I will eliminate that. In line 22, strike out "4" and insert "2." That is a restoration of the rates carried in the present law for these items, and they are all related, so we might as well vote on all of them at the same time.

Mr. KENDRICK. Mr. President, I desire to inform the chairman of the Finance Committee that the junior Senator from Arizona [Mr. HAYDEN] is interested in the item beginning in line 21 and desires to be heard on it, I understand. He is necessarily absent now, but will return on Saturday next.

Mr. SMOOT. He will have a chance when the bill gets into the Senate, and I am sure it will not be in the Senate until after he returns. Whatever action we may take now, he can offer any amendment he desires when the bill reaches the Senate.

Mr. HARRISON. Mr. President, the junior Senator from Arizona is away on important business. Each Senator here has two opportunities to offer amendments to the bill; first, when the bill is as in Committee of the Whole and again when the bill reaches the Senate. The Senator from Arizona ought to have the same right. Why can we not get unanimous consent to postpone this particular item until next week, so the Senator from Arizona can be here? He will be here on Monday I am informed.

Mr. SMOOT. I have no objection at all. I only called the attention of the Senator from Wyoming to the fact that that could be done.

Mr. KENDRICK. I ask unanimous consent that this item be passed over until Monday.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. Mr. President, I thank the Senator from Wyoming and I earnestly hope that this request will be granted. The junior Senator from Arizona has addressed himself to this item with a vast deal of diligence and labor. He will be here on Monday next.

Mr. SMOOT. The amendment that he desires to have passed over relates to Glauber salt?

Mr. KENDRICK. The item begins in line 21, but does not include the item referred to by the Senator.

Mr. BARKLEY. The amendments I have offered have no relationship to that at all, so we might as well vote on them and let the Senator from Arizona offer his amendment when he returns.

The VICE PRESIDENT. The Chair would like to say that the statement of the Senator from Utah does not agree with the statement of the clerks in reference to the amendment proposed by the Senator from Kentucky in line 16 down to line 20. However, without objection, the request of the Senator from Wyoming is granted.

Mr. SMOOT. I am quite sure that the balance of it, after line 15, was agreed to.

The VICE PRESIDENT. The committee amendment in line 17 was agreed to and likewise in line 19, but none of it was stricken out.

Mr. SMOOT. I am quite sure that the proposed amendment striking out "3½ cents" in line 15 and inserting "25 per cent ad valorem" was not agreed to, nor the proposed amendment striking out "2¾" and inserting "2" cents.

Mr. BARKLEY. When I proposed to strike out the language beginning with the word "containing" in line 16 and down to and including the word "pound" in line 20, I understood the Senator to say that that had already been done. I did not so understand it.

Mr. SMOOT. My book shows it was agreed to.

The VICE PRESIDENT. The official record does not so show.

Mr. SMOOT. Of course, we shall have to rely on the official record.

Mr. BARKLEY. I will let the amendment go as originally offered.

The VICE PRESIDENT. The question is on agreeing to the amendments of the Senator from Kentucky.

Mr. SMOOT. I think we had better take a vote on them separately.

The VICE PRESIDENT. The clerk will state the first amendment of the Senator from Kentucky.

The LEGISLATIVE CLERK. On page 32, line 12, strike out "2¾" and insert "2," so as to read:

Formate, 2 cents per pound.

Mr. BARKLEY. That simply restores the rate in the present law.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment of the Senator from Kentucky.

The LEGISLATIVE CLERK. On page 32, line 15, strike out "3½ cents per pound" and insert "25 per cent ad valorem," so as to read:

Oxalate, 25 per cent ad valorem.

Mr. BARKLEY. That is simply a restoration of the present rate.

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

The amendment was agreed to.

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

The LEGISLATIVE CLERK. On page 32, lines 16, 17, and 18, strike out the words "containing by weight less than 45 per cent of water, 1½ cents per pound; phosphate (except pyrophosphate) not specially provided for, three-fourths of 1 cent per pound."

Mr. SMOOT. Mr. President, I hold in my hand the United States Tariff Commission's preliminary statement of information obtained in the pending investigation on the cost of production, as ascertained pursuant to the provisions of section 315, title 3, of the tariff act of 1922. The hearings began November 21, 1928. I hope the Senator from Kentucky will give me his attention, because I want to read this from the Tariff Commission's report:

COMPARISON OF DOMESTIC AND FOREIGN COSTS OF PRODUCTION

Comparison of the costs of production of di-sodium phosphate as checked against the books of record of the domestic manufacturers and the principal manufacturer in Germany, including transportation charges from plants—based either on actual shipments or total production from domestic plants—to Paterson, N. J., and including imputed interest, but excluding selling expenses, indicates that there is a difference in costs of production of more than three-fourths cent per pound.

Comparison of the costs of production of tri-sodium phosphate as checked against the books of record of the domestic manufacturers and the only manufacturer in Belgium, including transportation charges from plants (based either on actual shipments or total production from

domestic plants to New York, and the Belgian material delivered at New York), and including imputed interest, but excluding selling expenses, indicates that there is a difference in costs of production of more than three-fourths cent per pound.

It was for that reason that the amendment providing three-quarters of a cent per pound was offered, striking out "2 cents a pound."

Mr. BARKLEY. I have forgotten what we did with that amendment when we had it up before.

Mr. SMOOT. My record shows that we agreed to it, but I do not know what the clerk's records show.

Mr. McKELLAR. Mr. President, if this amendment of the Senator from Kentucky is agreed to, does it mean that this article goes on the free list?

Mr. SMOOT. No; it does not.

Mr. McKELLAR. What would be the effect of the adoption of his amendment?

Mr. SMOOT. It would make the rate one-half cent per pound. The Tariff Commission says the difference is more than three-quarters of a cent per pound.

The VICE PRESIDENT. The Chair will state that that amendment has already been agreed to.

Mr. BARKLEY. In view of that fact I will withdraw the amendment which I offered.

Mr. SMOOT. That is what I was going to say, because we only gave three-quarters of a cent instead of 2 cents, and we did it because the Tariff Commission in its report stated that the difference was even more than three-fourths of a cent per pound.

Mr. BARKLEY. Very well.

The VICE PRESIDENT. The Senator from Kentucky withdraws his amendment.

Mr. COPELAND. Mr. President, may I ask the Senator from Kentucky what his attitude is as to sodium chlorate? We reduced the rate on that commodity.

Mr. BARKLEY. Where is the item in the bill?

Mr. COPELAND. It is on page 32, line 8. The Senate reduced the rate from 2 cents, as recommended by the committee, to 1½ cents, and I wondered if there was any argument that could be used to induce the Senator from Kentucky to return to the 2-cent rate?

Mr. BARKLEY. The Senate has already passed on that amendment. Of course, it is not proper to take it up now except by unanimous consent.

Mr. COPELAND. It would be proper for me to offer an amendment making the rate 2¼ cents.

Mr. BARKLEY. I do not think so.

Mr. SMOOT. I want to say to the Senator from New York that the committee struck out a rate of 1½ cents and inserted a rate of 2 cents a pound on chlorate. That amendment was disagreed to, and my memoranda show that the rate of duty now on chlorate is 1½ cents a pound.

Mr. COPELAND. Am I to understand that under the rule which we are operating, Mr. President, a Senator can not move to restore the rate proposed by the original committee amendment?

The VICE PRESIDENT. As the Senate disagreed to the committee amendment and restored the House rate of 1½ cents a pound it is open to amendment.

Mr. COPELAND. Let me ask the Senator from Kentucky if he will not give the question of the duty on sodium chlorate some study? The advice I have is that it is important to preserve practically the only firm left making chlorate. There are some reasons that may be advanced, if time permitted, which I think I could present that would seem to indicate that there should be more protection than will be afforded by a rate of 1½ cents per pound.

Mr. BARKLEY. I will say to the Senator that, so far as I have anything to do with it, I shall be glad to look into the matter.

Mr. SMOOT. The Senator from New York is right in stating that there is only one concern left in the United States manufacturing sodium chlorate.

Mr. COPELAND. That is all.

Mr. SMOOT. That firm is located at Niagara Falls, as I remember, in the State of New York.

Mr. COPELAND. That is the only remaining firm engaged in the manufacture of this commodity.

Mr. SMOOT. Every other firm has failed and gone out of business. That is the reason why the committee recommended a duty of 2 cents; but that question has been decided by the Senate.

Mr. COPELAND. May I say, Mr. President, that even in the short time which has elapsed since the Senate took action the matter is even more urgent with this one firm, because the price of electricity which they have been using for power has been materially increased. I think abundant reasons could be developed why the duty of 2 cents should be adopted by the Senate. However, I take it, that under the rule that will have to go over until the bill goes into the Senate.

The VICE PRESIDENT. The Secretary will state the next amendment of the Senator from Kentucky.

The LEGISLATIVE CLERK. On page 32, at the end of line 22, the Senator from Kentucky [Mr. BARKLEY] proposes to strike out "$4" and insert "$2," so as to read:

Sulphate, anhydrous, $2 per ton.

Mr. BARKLEY. Mr. President, the Senator from Wyoming advises me that the matter in which his colleague is interested includes the items embraced in this amendment, and I therefore withdraw the amendment for the present.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. BARKLEY. On page 32—and this is the only amendment I have left—beginning with the word "carbonate," after the semicolon, in line 6, I move to strike all down to and including the word "pound," in line 8, where it occurs the first time.

The VICE PRESIDENT. The Secretary will state the amendment for the information of the Senate.

The LEGISLATIVE CLERK. On page 32, line 6, beginning with the word "carbonate," it is proposed to strike out all down to and including the word "pound," and the semicolon in line 8, where it occurs the first time, as follows:

Carbonate, calcined, or soda ash, hydrated or sal soda, and monohydrated, one-fourth of 1 cent per pound.

Mr. BARKLEY. Mr. President, the facts about these commodities are simple. In 1927 we produced 4,000,000,000 pounds of them; we imported only 108,000 pounds, and we exported 40,000,000 pounds. So there is no reason why there should be a tariff on the commodities covered by the provision I have moved to strike out.

Mr. SMOOT. The same situation exists as to soda ash and sal soda as in the case of bicarbonate of soda and borax.

Mr. BARKLEY. The same situation exists as to borax and soda, and those we have already stricken out; but in the case of soda ash and the other products named in the lines proposed to be eliminated, the industry is much larger and the domestic production is much greater in proportion to the imports.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I have no further amendments to offer to this schedule.

Mr. LA FOLLETTE. Mr. President, on page 33, line 2, I move to strike out "three-eighths" and insert "one-fourth," so that it will read:

Thiosulphate, one-fourth of 1 cent per pound.

Of thiosulphate, according to the table furnished the Senate Finance Committee by the Tariff Commission, there were in 1927 16,656 tons produced in the United States, while the imports were only 12 tons. I do not find any figures as to exports; but it is obvious, in view of the facts I have stated, that a case for a reduction is presented. I am not proposing to put the article on the free list, but I think a reduction from three-eighths of a cent to a quarter of a cent per pound is justified by the statistics.

Mr. SMOOT. I will say to the Senator that the rate of the present law is three-eighths of a cent a pound.

Mr. LA FOLLETTE. I understand it is, but the Senate has adopted amendments in this schedule in a number of instances decreasing the rate below that of the present law. I am not proposing to put the article on the free list, but I am proposing, in view of the negligible imports—and they are practically nil—to reduce the rate of duty from three-eighths of a cent to one-fourth of a cent. I ask for a vote on the amendment.

Mr. SMOOT. Mr. President, I have not investigated the proposal and do not know what effect a decrease of one-eighth of a cent in the rate of duty will have. I will ask the Senator if he intends to offer any amendment affecting the rate on sulphite and bisulphite?

Mr. LA FOLLETTE. No; I do not propose to make any changes in the rate affecting those commodities.

Mr. SMOOT. Then, I have no objection to letting the amendment go to conference. I see there are a very few imports.

Mr. LA FOLLETTE. The imports are almost negligible.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, recurring to page 21, I move to strike out the figure "2" in line 25 and insert in lieu thereof "1½."

The adoption of this amendment would reduce the duty on formaldehyde solution from 2 cents a pound to 1½ cents a pound. According to information furnished the Finance Committee by the Tariff Commission, the domestic production of formaldehyde in 1927 was 24,597,367 pounds, compared with imports in that year of 2,600 pounds, and exports in 1927 of 2,235,960 pounds. The ratio of imports to consumption of formaldehyde in 1927 was 0.01 of 1 per cent by quantity and 0.04 of 1 per cent by value, and the ratio of exports to the production of formaldehyde in 1927 was 9.1 per cent by quantity and 9.2 per cent by value.

Mr. SMOOT. Mr. President, I do not know whether the Senator has gone into the subject far enough to ascertain the reason for those exports. The exports are of the product manufactured from imported methanol on which there is a drawback when the exports take place. When exported 99 per cent of the amount of duty paid on the imported raw material is refunded to the manufacturer in the form of a drawback.

Mr. LA FOLLETTE. That is, where it is imported for manufacture the drawback provision of the law is taken advantage of.

Mr. SMOOT. But all of that which is imported is manufactured with that in view.

Mr. LA FOLLETTE. However, that does not affect the situation concerning imports.

Mr. SMOOT. No; it does not have anything to do with imports, but the Senator was referring to exports; and, as I have said, the exports represent materials imported into the United States for the purpose of manufacture in bond and then to be shipped out of the country. When that is done the amount of duty paid on the imported raw material is refunded to the manufacturer by way of drawback.

Mr. LA FOLLETTE. That is true; but I was simply stating what the figures show. I am basing my contention for the reduction in duty on the fact that the imports are nil, amounting, as I have said, in 1927, to 2,600 pounds, as compared with a domestic production in that year of 24,500,000 pounds. There is no doubt that this duty presents a case for a reduction. I am ready to take a vote on it because I do not wish to delay the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. SMOOT. Mr. President, I hope the Senate is not going to make the reduction proposed by the Senator from Wisconsin.

Mr. WALSH of Massachusetts. Mr. President, I ask that the amendment be stated at the desk.

The VICE PRESIDENT. Let the Secretary report the amendment.

The LEGISLATIVE CLERK. In paragraph 41, page 21, line 25, after the word "formalin," it is proposed to strike out "2" and insert "1½," so as to read:

Formaldehyde solution or formalin, 1½ cents per pound.

Mr. SMOOT. Mr. President, this item is quite different from the borax and soda ash and similar articles of which we produce millions of tons. I hope the Senate will not agree to this amendment.

Mr. WALSH of Massachusetts. Will the Senator from Wisconsin state the rate provided by the present law?

Mr. LA FOLLETTE. The rate under the present law is 2 cents per pound.

Mr. SMOOT. It is the same as in the pending bill.

Mr. WALSH of Massachusetts. What disposition has been made of methyl?

Mr. LA FOLLETTE. I beg the Senator's pardon.

Mr. WALSH of Massachusetts. What disposition has been made of methyl?

Mr. SMOOT. Methyl alcohol?

Mr. WALSH of Massachusetts. Yes.

Mr. SMOOT. The rate has not been changed.

Mr. WALSH of Massachusetts. But are not these two items correlated?

Mr. SMOOT. Yes, they are; methanol or methyl alcohol is the raw material.

Mr. WALSH of Massachusetts. Does not the duty upon one depend on the duty upon the other?

Mr. SMOOT. To a certain extent, that is true. I was saying that methanol is imported in bond and is used as a basis of the manufactured article on which when exported there is a drawback of 99 per cent of the amount of duty paid on the imported raw material.

Mr. WALSH of Massachusetts. The reason the duty is placed upon formaldehyde is that a duty has been placed on methyl?

Mr. SMOOT. To a certain extent; yes.

Mr. WALSH of Massachusetts. If there was no duty on methyl there would not need to be any duty on formaldehyde.

Mr. SMOOT. There would have to be some duty.

Mr. WALSH of Massachusetts. There would have to be a duty upon methyl; I understand that.

Mr. SMOOT. There is a greater duty upon formaldehyde than there is upon the methyl. I really think that the House was right in this case, and that the duty should remain as adopted by that body.

Mr. WALSH of Massachusetts. Of course, the facts show that formaldehyde is on an export basis, as the Senator from Wisconsin has pointed out. Am I not correct in that?

Mr. LA FOLLETTE. I am not contending for my amendment upon that basis. The contention on which I am basing the amendment is the fact that the imports are nil and that therefore it presents a case which justifies a slight reduction in duty; but I am only proposing a reduction of one-half cent per pound below the existing rate; and, as I said a moment ago, the figures show that in 1927 the production of formaldehyde was 24,500,000 pounds, as compared with imports of 2,600 pounds. In other words, the ratio of imports to consumption in 1927 was 0.01 of 1 per cent by quantity and 0.04 of 1 per cent by value. It is obvious that the existing rate is a prohibitive rate.

Mr. HARRISON. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Mississippi.

Mr. HARRISON. I observe that the exports are 2,368,000 pounds——

Mr. SMOOT. I have explained that.

Mr. HARRISON. And that the rate carried in the Underwood bill was 1 cent a pound.

Mr. LA FOLLETTE. I am not proposing to go as low as the Underwood rate.

Mr. HARRISON. I understand. I was just citing to the Senator the fact that the Underwood rate was 1 cent a pound.

Mr. LA FOLLETTE. I am only proposing to reduce that one-half cent a pound, from 2 cents to 1½ cents.

Mr. SMOOT. But those exports are nearly all of the commodity manufactured in bond.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. [Putting the question.] By the sound the noes seem to have it.

Mr. LA FOLLETTE. I call for the yeas and nays.

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

Mr. NYE (when Mr. FRAZIER's name was called). My colleague [Mr. FRAZIER] is unavoidably absent. On this question he is paired with the senior Senator from Delaware [Mr. HASTINGS]. If present, my colleague would vote "yea," and the Senator from Delaware would vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague [Mr. SHIPSTEAD] is unavoidably absent.

Mr. WALSH of Massachusetts (when his name was called). I am paired with the junior Senator from Vermont [Mr. DALE]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. WHEELER. I have a pair with the junior Senator from Connecticut [Mr. WALCOTT]. I transfer that pair to the senior Senator from Minnesota [Mr. SHIPSTEAD] and will vote. I vote "yea."

Mr. BINGHAM (after having voted in the negative). Has the junior Senator from Virginia [Mr. GLASS] voted?

The VICE PRESIDENT. He has not.

Mr. BINGHAM. I have a pair with that Senator, and therefore withdraw my vote.

Mr. METCALF (after having voted in the negative). Has the Senator from Maryland [Mr. TYDINGS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. METCALF. As I have a general pair with the Senator from Maryland, I withdraw my vote.

Mr. SULLIVAN (after having voted in the negative). I have a pair with the junior Senator from Tennessee [Mr. BROCK]. As he has not voted, I desire to withdraw my vote.

Mr. BINGHAM. Mr. President, I have been unable to obtain a transfer. If at liberty to vote, I should vote "nay."

Mr. WALSH of Massachusetts. I transfer my pair with the junior Senator from Vermont [Mr. DALE] to the senior Senator from Iowa [Mr. STECK] and will vote. I vote "yea."

Mr. HATFIELD (after having voted in the negative). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. I therefore withdraw my vote.

Mr. ROBINSON of Indiana (after having voted in the negative). Has the junior Senator from Mississippi [Mr. STEPHENS] voted?

The VICE PRESIDENT. He has not voted.

Mr. ROBINSON of Indiana. Then I withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN].

Mr. SHEPPARD. I desire to announce that the Senator from Iowa [Mr. STECK], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Missouri [Mr. HAWES] are detained on official business.

The result was announced—yeas 35, nays 33, as follows:

YEAS—35

Ashurst	Copeland	Johnson	Simmons
Barkley	Cutting	La Follette	Smith
Black	Dill	McKellar	Swanson
Blaine	Fletcher	McMaster	Thomas, Okla.
Borah	George	Norbeck	Wagner
Bratton	Harris	Norris	Walsh, Mass.
Brookhart	Harrison	Nye	Walsh, Mont.
Caraway	Heflin	Schall	Wheeler
Connally	Howell	Sheppard	

NAYS—33

Allen	Goldsborough	McCulloch	Steiwer
Baird	Greene	McNary	Thomas, Idaho
Broussard	Grundy	Oddie	Townsend
Capper	Hale	Patterson	Trammell
Couzens	Hebert	Phipps	Vandenberg
Deneen	Jones	Pine	Watson
Fess	Kean	Robsion, Ky.	
Gillett	Kendrick	Shortridge	
Goff	Keyes	Smoot	

NOT VOTING—28

Bingham	Gould	Moses	Shipstead
Blease	Hastings	Overman	Steck
Brock	Hatfield	Pittman	Stephens
Dale	Hawes	Ransdell	Sullivan
Frazier	Hayden	Reed	Tydings
Glass	King	Robinson, Ark.	Walcott
Glenn	Metcalf	Robinson, Ind.	Waterman

So Mr. LA FOLLETTE's amendment was agreed to.

Mr. LA FOLLETTE obtained the floor.

Mr. HARRISON rose.

Mr. LA FOLLETTE. Does the Senator from Mississippi desire to have me yield to him?

Mr. HARRISON. Mr. President, I have three or four amendments that I think we can get through with very quickly. I think probably they will be agreed to. They are amendments that I should like to offer to paragraph 73.

Mr. LA FOLLETTE. I have some amendments; but if the Senator from Mississippi desires to offer his amendments now, I shall be glad to accommodate him and yield the floor, and I will offer mine in the morning.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. HARRISON. Mr. President, in paragraph 73, page 30, lead pigments, the first item is on line 5, page 30, litharge. The present rate is 2½ cents a pound. I desire to offer an amendment making that rate 2⅛ cents a pound.

Mr. SMOOT. What rate does the Senator propose to place on litharge?

Mr. HARRISON. Two and one-eighth cents a pound.

Mr. SIMMONS. Mr. President, what is the item?

Mr. HARRISON. Litharge. The picture is that the production in 1928 amounted to 163,000 pounds; the imports were 2,100 pounds, and the exportation is quite large. We have figures here which show that that will take care of the compensatory rate, 1½ cents a pound, on the lead.

Mr. SMOOT. Mr. President, I think we had better let these amendments go over until to-morrow. I have just been informed that an executive session is desired to-night.

Mr. HARRISON. I did not suppose there would be much controversy about this. I have had the experts figure out the compensatory duty. The compensatory duty on litharge is 1.95 cents. I am assuming it to be fully effective, and I am lifting it to 2⅛ cents.

Mr. SMOOT. I have no objection to a vote upon this amendment.

Mr. HARRISON. And may I say to the Senator that on red lead I am going to propose a duty of 2¾ cents, where it is now 2⅛ cents.

Mr. SMOOT. That is a difference of half a cent, Mr. President.

Mr. HARRISON. On red lead the compensatory duty is 1.98 cents. We are giving more than one-eighth of a cent more than the compensatory duty as figured out.

Mr. WALSH of Massachusetts. How do these rates compare with those of the present law?

Mr. HARRISON. The rate in the present law is 2¾ cents a pound.

Mr. SMOOT. The House has adopted the rate of the present law.

Mr. WALSH of Massachusetts. On the whole paragraph?

Mr. SMOOT. There was no request either for or against the rate.

Mr. WALSH of Massachusetts. What is the rate in the present law?

Mr. HARRISON. Two and three-fourths cents is the rate in the present law, and I am proposing to make it 2⅛ cents.

Mr. WALSH of Massachusetts. The House changed it to 2½ cents.

Mr. HARRISON. No; the House made no change in reference to red lead.

Mr. WALSH of Massachusetts. I am talking about litharge.

Mr. HARRISON. That is 2½ cents.

The VICE PRESIDENT. The first amendment will be reported.

The CHIEF CLERK. On page 30, line 5, after the word "Litharge," to strike out "2½" and insert "2⅛."

Mr. SMOOT. Let us have the yeas and nays on that.

Mr. HARRISON. Does the Senator oppose that reduction?

Mr. SMOOT. The rate is 2½ cents.

Mr. HARRISON. The compensatory duty on that item, as figured out by the Senator's own expert, is 1.98 cents. The amendment I have proposed is to make the rate 2⅛ cents.

Mr. WATSON. I would like to ask the Senator from Mississippi if he would not be willing to let that go over until to-morrow?

Mr. HARRISON. Oh, yes; but I did not imagine there would be any opposition to it.

Mr. BARKLEY. Mr. President, I ask the attention of the Senator from Utah. I am in a very unfortunate situation. I hesitate and dislike to ask the Senate to change its arrangements on my account, but I am compelled to be away from the city to-morrow. My colleague on the subcommittee from this side, the junior Senator from Utah [Mr. KING], of course, as we all know, is unfortunately ill, and that has left the burden of representing our side on the first three schedules to me. I had hoped that we might get unanimous consent that Schedules 2 and 3 be not taken up to-morrow.

Mr. SMOOT. Mr. President, I recognize the position in which the Senator finds himself, and I think, from what he has told me, he is virtually compelled to leave the city and be away to-morrow, returning Saturday morning. I do not know whether the Senator from Washington is ready to take up the wood schedule to-morrow or not.

Mr. JONES. That will not be the next schedule to be taken up.

Mr. SMOOT. It will be if the Senate agrees to the request presented by the Senator from Kentucky.

Mr. JONES. I was not figuring on putting schedules over. I am not prepared to take up the wood schedule to-morrow.

Mr. COPELAND. Mr. President, the other day I found it impossible to get a schedule deferred when I thought there was a very urgent reason for doing so. Of course, I do not want to interpose any objection to the request of the Senator from Kentucky.

Mr. BARKLEY. Mr. President, if this were a question simply of my desire to offer an individual amendment to a schedule in the hearings on which up to this time I had not participated, I would not ask any consideration; but the Senator understands the situation I am in. Of course, I realize that it is a hardship on Senators to ask that the regular order be varied for the accommodation of any one Senator, but I have several important amendments to offer to both Schedules 2 and 3; it would be quite inconvenient to have to go on with it to-morrow, and I should dislike very much to have them considered in my absence.

Mr. SMOOT. I thought perhaps we could take up the wood schedule, but the Senator from Washington [Mr. JONES] says he is not prepared to go on with it to-morrow. I thought perhaps we could take up sugar to-morrow, but the Senator from Iowa [Mr. BROOKHART] is not prepared to take it up.

Mr. HARRISON. What is there about sugar the Senator wants to take up?

Mr. BROOKHART. I have an amendment to propose.

Mr. SMOOT. I am going to offer an amendment.

Mr. HARRISON. If the Senator from Utah wants to bring up his amendment to-morrow and fight it out again, I do not see any objection to that course. We could get a roll call pretty soon, I think.

Mr. SMOOT. The amendment will not be to make the rate $2.20; it will be to make it $2. The Senator from Iowa says

he is not prepared to take up the item of blackstrap until Monday.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the consideration of Schedules 2 and 3 be postponed until Saturday. I do not know whether either one of them would be reached to-morrow, but I want to take that precaution.

Mr. JONES. The succeeding schedules would have to go over, then, I suppose, because we have agreed to take the schedules up in the order in which they appear in the bill.

Mr. McNARY. Mr. President, on two different occasions we have agreed to go through the schedules in the order in which they appear in the bill. I want to be accommodating to the Senator; I realize the situation that has arisen; but if we depart from the plan set out two weeks ago, reaffirmed a few days ago, some other Senator may make a similar request.

Mr. BARKLEY. If the Senator will yield——

Mr. McNARY. Pardon me a moment. There are a few items in the bill in which I have an interest. I have prepared to consider them in accordance with the agreement we entered into a few days ago. I dislike to depart from that at this time. If we depart from it again we will not know where we will be, nor will we be prepared by the physical presence of those we want here when the various schedules and items are reached.

Mr. BARKLEY. Mr. President, in the very beginning of the consideration of the bill we had a unanimous consent arrangement to take up Senate committee amendments to each schedule in rotation. Numerous times during the consideration of the Senate committee amendments we passed over various schedules and went on to consider some other schedule, so that this is no precedent we are setting.

Mr. McNARY. I am conversant with the history of that proposition, but now we are not dealing with committee amendments; we are about to consider and are now considering individual amendments. I want to adhere to the rule we adopted a few days ago. I know many Members of the Senate on both sides of the aisle are relying upon the agreement we made a few days ago. It is nothing unusual. If the Senator has a proposition about which I am not familiar I shall probably consent to further consideration of his appeal.

Mr. President, for the present—and I do it regretfully—I must object.

The PRESIDING OFFICER. Objection is made.

PROTESTANT BODIES DEMAND EQUALITY

Mr. HEFLIN. Mr. President, I ask to have printed in the RECORD an article from the Washington Post of January 31, 1930, entitled "Protestant Bodies Demand Equality."

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

[From the Washington Post, January 31, 1930]

PROTESTANT BODIES DEMAND EQUALITY—CHURCHES IN PRUSSIA ASK SAME CONSIDERATION GIVEN TO CATHOLICS—PUT BLAME ON POLITICS

BERLIN, January 30 (A. P.).—Deep dissatisfaction reigns in the Protestant churches of Prussia over the Government's delay in according them privileges and facilities equivalent to those granted to the Roman Catholic Church by concordat concluded with the Vatican last July.

Seeing that nearly 25,000,000 Prussians, or about two-thirds of the population, are Protestants, the growing influence of the Church of Rome in the land where Luther preached is viewed with apprehension, and the Vatican diplomatic success in the concordat is openly resented.

Certain promises have been held out by the Prussian Diet, but the original demand of the united Protestant churches, which was that fully equal treatment should be guaranteed to them, black or white, at the same time the Roman concordat was signed, has not been fulfilled.

SEE YIELDING TO PRESSURE

Charges have been openly made that the Social Democratic Premier of Prussia, Otto Braun, yielded to pressure from the Catholic political party in order to retain its indispensable support in the present coalition government.

There are eight Protestant bodies in Prussia. The Evangelical Church of the old Prussian Union embraces the older Prussian dioceses and is the largest organization. Then there are the Lutheran Churches of Hanover and of Schleswig-Holstein, the Reformed Church of Hanover, and the Evangelical Churches of Hesse-Cassel, Hesse-Nassau, Frankfurt, and Waldeck.

On the Government side, charges of indifference to the legitimate claims of these churches is denied. Delay in dealing with them is said to be due merely to technical legal causes.

FEELS ITSELF FLOUTED

The main point of contention is that the Evangelical Church feels itself flouted and its vital interests neglected on its very own ground. It asks more administrative liberty and increased state subsidies in equal ratio with the enhanced endowments granted to the Roman Church.

It also asks guaranties insuring absolute freedom of confessional exercises and of inviolability of church property, as well as more independence from state control in the filling of chairs in theological faculties.

These demands have been placed before the Government by the General Evangelical Synod.

MISSOURI DEMOCRATS

Mr. HEFLIN. Mr. President, I ask to have printed in the RECORD an article from the Birmingham Agre-Herald of February 4, 1930, entitled "Missouri Democrats."

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

[From Birmingham (Ala.) Age-Herald, February 4, 1930]

MISSOURI DEMOCRATS

TO EDITOR THE AGE-HERALD:

I note you agree with the action taken by the 27 members of the Democratic committee in regard to the Democrats who voted against the Democratic presidential nominee last year.

According to your reasoning and that of the State committee, in order to remain a simon-pure Democrat, that is, one enjoying the full privileges of the primary, one must vote the Democratic ticket absolutely straight and never utter a word against any candidate who happens to become the "regular Democratic Party nominee."

You know that only last year, in one of the congressional districts of the border State of Missouri, a negro by the name of McLemore was the "regular Democratic Party nominee," and this negro made the race against a white Republican.

By the stand you have taken you would bar forever from the full privileges of the Democratic primary those Democrats who, in this congressional race of Missouri, either voted against or publicly opposed the negro McLemore, who was the "regular Democratic nominee for Congress."

Had you lived in the congressional district of Missouri where this situation existed, would you have voted the "straight simon-pure Democratic ticket"?

I trust you will accord me the courtesy of your columns for this inquiry, and I await with interest the consideration shown me.

I. C. WHITE.

BIRMINGHAM, ALA., *February 1, 1930.*

MARRIAGE OF A NEGRO AND NORDIC

Mr. HEFLIN. Mr. President, I wish to have printed in the RECORD a letter addressed to me by Sam H. Reading, broadcasting a national news service, and my reply, regarding the marriage of a negro and a Nordic.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PHILADELPHIA, *October 8, 1929.*

Hon. THOMAS J. HEFLIN,

United States Senator from Alabama, Washington, D. C.

SIR: In view of your generally expressed opinions on such subjects, the writer will be interested to know your opinion of the within-mentioned marriage of Phil Edwards, the negro captain of New York University, to a pure Nordic woman (white woman).

Your expression in this matter will be much appreciated by the readers of the country who often base their opinions on your expressions in such matters.

Thanking you in advance for your expression, believe me,

Very respectfully yours,

SAM H. READING.

WASHINGTON, D. C., *October 15, 1929.*

Mr. SAM H. READING,

National News Service,

24 North Fifty-ninth Street, Philadelphia, Pa.

MY DEAR SIR: In reply to your request I will say that I have read with a feeling of sadness and indignation the newspaper account of the humiliated and grief-stricken white father and mother in New York City who could get no assistance from either Governor Roosevelt or Mayor Walker or anyone else in authority in their effort to prevent the marriage of their daughter to a negro. The press reports tell us that the white father and mother wept freely when interviewed by the newspaper men and made no attempt to hide their tears and humiliation when New York officials issued a marriage license to a negro to marry their daughter. And this terrible thing has happened here in what we used to call the land of Anglo-Saxon rule and white supremacy. Shame on those in authority who will permit such a humiliating, disgraceful, and dangerous thing to happen in the United States. Where are the white men of self-respect, of race pride, and love of the white man's country in America whose brave forbears long ago decreed that there should be no pollution of the blood of the white race by permitting marriage between whites and negroes? What has become

of the brave knights of the white race who once boasted of their proud Caucasian lineage? For many generations they stood guard on the dividing line between the Caucasian race and the Negro race.

The far-reaching harm and danger of marriage between whites and negroes to the great white race that God intended should rule the world is apparent to all intelligent students of history; such mixtures have always resulted in weakening, degrading, and dragging down the superior to the level of the inferior race. God had a purpose in making four separate and distinct races. The white, the red, the yellow, and the black. God intended that each of the four races should preserve its blood free from mixture with other races and preserve race integrity and prove itself true to the purpose that God had in mind for each of them when He brought them into being. The great white race is the climax and crowning glory of God's creation. God in His infinite wisdom has clothed the white man with the elements and the fitness of dominion and rulership, and the history of the human race shows that wherever he has planted his foot and unfurled the flag of his authority he has continued to rule. No true member of the great white race in America is going to approve or permit, if he can prevent it, the marriage between whites and negroes.

This desire and purpose on the part of the great white race in America to keep its blood strain pure and to prevent marriage between whites and negroes can better be designated as the "call of the blood." It has come down to us through the centuries. White women, rather than become the wives of the black man, whenever the issue was presented, fought and died, if necessary, to remain true to the "call of the blood." But it seems that in New York, under alien influence, that the line of demarcation between the great white race and the Negro race, the "great divide," that once constituted the "dead line" in America on questions of social equality and marriage between whites and negroes, have been repudiated by those of the Roman-Tammany régime now in charge of New York City and New York State. These officials owe it to the great white race in the State of New York and in the whole United States to protect, safeguard, and preserve in their integrity these principles and ideals so dear to the great white race in America.

The time has come for all true Americans of the Caucasian race to wake up to the dangers that threaten us. There can be no yielding on this great question in order to serve the program and purpose of the Roman-Tammany political machine. We must stand steadfast, and we will stand steadfast, in our purpose and determination to preserve in its integrity race pride and purity and white man's government in the United States. I regret to say that the present disgusting and deplorable situation in New York State, which permitted a white father and mother to be subjected to the humiliating and shameful ordeal of having to submit to the marriage of their daughter to a negro, is not new under the modern Roman-Tammany system in New York City and State. Scores of negroes in Harlem, New York, members of the so-called Democratic Tammany organization, have been permitted to marry white wives with license granted by and with the hearty approval of the State and city government presided over by Governor Smith and Jimmie Walker and now by Gov. Franklin Roosevelt and Jimmie Walker. These things are shocking, disgusting, and sickening not only to the Democrats but to the true representatives of the great white race in all parties the country over.

The fact that the Roman Catholic Church permits negroes and whites to belong to the same Catholic Church and to go to the same Catholic schools and permits and sanctions the marriage between whites and negroes in the United States is largely responsible for the loose, dangerous, and sickening conditions that exist in New York City and State to-day and the all-important question of preserving the integrity of our race and white supremacy in the United States.

My knowledge of this open and notorious social equality policy, this terrible system in New York State, permitted and approved by Governor Smith, was one of the things that made it impossible for me to support him for President in 1928. Many States in the Union have laws which forbid marriage between whites and negroes; all of the States should have, and some day will have, such laws. I understand that New York would have had such a law but for the opposition of Governor Smith and his Tammany friends in the legislature. Alabama has such a law, and I helped to put it in the constitution of that State in 1901.

Very truly,

J. THOS. HEFLIN.

WATER POWER ON THE FLATHEAD RIVER, MONT.

Mr. SCHALL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Hugh J. Hughes, director of education of Minnesota, in reference to an application of Walter H. Wheeler to develop water power on the Flathead River, Mont.

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

MINNEAPOLIS, MINN., *February 1, 1930.*

Hon. ARTHUR M. HYDE,
Secretary of Agriculture, Washington, D. C.

MY DEAR SECRETARY: I am advised that Walter H. Wheeler has before the Federal Power Commission application for a license to develop water power on the Flathead River in Montana, and that such development contemplates the immediate use of 105,000 horsepower for the production of phosphate fertilizer of a highly concentrated character.

I am not in a position to speak on the merits of the immediate water-power development in question, but I assume that matter will be properly considered by those competent to judge of its engineering merits.

What I do wish to say in behalf of the grain-producing industry of the Northwest is that beyond any question there is a field for the distribution of highly concentrated phosphates within the spring-wheat area. Phosphorus is the essential element in the production of a high-quality grain berry, and the lack of it from any cause whatever gives our grain a lower grade and milling quality.

The continuous demands that have been made upon the phosphorus content of our soil during the years they have been farmed have begun to deplete the original stores and make necessary for the continuance of high-grade crops the application of commercial fertilizers.

One of the chief reasons why such fertilizers have not come into use more generally throughout the spring-wheat belt is the high freight cost that has attended their transportation from present centers of production. This is especially true of fertilizers carrying a low percentage of the essential elements, and the proposition advanced by Mr. Wheeler not only places phosphate-fertilizer production within the spring-wheat area itself, but it also gives us promise of substantially reduced freight charges due to the high percentage of phosphates contained per ton in the fertilizer to be manufactured.

From the standpoint of the grain producer there is every reason that Mr. Wheeler's proposal should be studied carefully and be given friendly consideration. I bespeak your interest in the matter.

Yours very truly,

HUGH J. HUGHES,
Director of Education.

EMPLOYMENT CONDITIONS

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD a report made by the Secretary of Labor as to employment conditions of January 20 as compared with January 13.

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

Employment

JANUARY 20 AS COMPARED WITH JANUARY 13

	Per cent
Iron and steel	+1.2
Automobiles	+1.7
All industries	+.5

The New England, Middle Atlantic, East and West North Central geographic divisions each reported more employees on January 20 than on January 13, the East North Central division showing the greatest gain (1.1 per cent), owing to the effect of continued increase in automobile employment.

The greatest decrease (1.3 per cent) in employment among the five remaining divisions was in the Pacific division.

PRELIMINARY—JANUARY 27 AS COMPARED WITH JANUARY 20

	Per cent
Iron and steel (138 out of 164 plants)	+1.6
Automobiles (126 out of 167 plants)	+.6

Employment December 16 to January 20

	Plants	Employees		Per cent of change	Index (Dec. 16=100)	
		First week	Second week			
Dec. 16-23	6,019	1,935,099	1,905,703	−1.5	Dec. 23	98.5
Dec. 23-30	7,184	2,231,255	2,126,014	−4.7	Dec. 30	93.9
Dec. 30-Jan. 6	7,564	2,222,897	2,297,729	+3.4	Jan. 6	97.1
Jan. 6-13	8,009	2,378,575	2,456,345	+3.3	Jan. 13	100.3
Jan. 13-20	7,342	2,368,541	2,380,207	+.5	Jan. 20	100.8

Employment in identical establishments, January 13 and 20, 1930

Industry	Establishments	Employees		Per cent of change
		Jan. 13, 1930	Jan. 20, 1930	
Food and kindred products	1,021	145,669	146,429	+0.5
Slaughtering and meat packing	131	59,887	60,036	+.2
Confectionery	149	21,176	21,465	+1.4
Ice cream	145	7,332	7,242	−1.2
Flour	248	11,192	11,302	+1.0
Baking	335	36,241	36,361	+.3
Sugar refining, cane	13	9,841	10,023	+1.8
Textiles and their products	1,164	378,676	378,285	−.1
Cotton goods	227	117,173	117,143	(1)
Hosiery and knit goods	177	57,434	55,888	−2.7
Silk goods	191	40,939	39,945	−2.4
Woolen and worsted goods	122	41,504	41,381	−.3

[1] Less than 1/10 of 1 per cent.

Employment in identical establishments, January 13 and 20, 1930—Contd.

Industry	Establishments	Employees		Per cent of change
		Jan. 13, 1930	Jan. 20, 1930	
Textiles and their products—Continued				
Carpets and rugs	16	20,913	21,020	+0.5
Dyeing and finishing textiles	81	27,057	27,243	+.7
Clothing, men's	144	35,881	36,573	+1.9
Shirts and collars	71	15,862	16,587	+4.6
Clothing, women's	99	13,601	13,987	+2.8
Millinery and lace goods	36	8,312	8,518	+2.5
Iron and steel and their products	1,245	571,459	574,878	+.6
Iron and steel	169	250,024	253,103	+1.2
Cast-iron pipe	25	5,311	5,386	+1.4
Structural ironwork	93	18,814	18,460	−1.9
Foundry and machine-shop products	693	217,589	217,933	+.2
Hardware	45	23,390	23,371	−.1
Machine tools	95	30,812	30,477	−1.1
Steam fittings and steam and hot-water heating apparatus	66	14,545	14,830	+2.0
Stoves	59	10,974	11,318	+3.1
Lumber and its products	713	121,196	121,316	+.1
Lumber, sawmills	300	64,827	64,224	−.9
Lumber, millwork	187	21,504	21,405	−.5
Furniture	226	34,865	35,687	+2.4
Leather and its products	270	87,414	87,846	+.5
Leather	88	18,749	18,644	−.6
Boots and shoes	182	68,665	69,202	+.8
Paper and printing	736	155,279	155,069	−.1
Paper and pulp	139	43,112	42,825	−.7
Paper boxes	126	14,375	14,390	+.1
Printing, book and job	215	39,628	39,566	−.2
Printing, newspapers	256	58,164	58,288	+.2
Chemicals and allied products	208	77,669	77,706	(1)
Chemicals	82	37,944	37,726	−.6
Fertilizers	85	6,271	6,276	+.1
Petroleum refining	41	33,454	33,704	+.7
Stone, clay, and glass products	506	68,924	68,992	+.1
Cement	79	12,558	12,875	+2.5
Brick, tile, and terra cotta	287	21,090	20,785	−1.4
Pottery	48	8,135	8,210	+.9
Glass	92	27,141	27,122	−.1
Metal products, other than iron and steel	137	29,199	29,632	+1.5
Stamped and enameled ware	52	10,619	11,092	+4.5
Brass, bronze, and copper products	85	18,580	18,540	−.2
Tobacco products	128	42,589	46,495	+9.2
Chewing and smoking tobacco and snuff	18	7,993	7,898	−1.2
Cigars and cigarettes	110	34,596	38,597	+11.6
Vehicles for land transportation	858	403,449	407,213	+.9
Automobiles	162	290,213	295,192	+1.7
Carriages and wagons	27	579	598	+3.3
Car building and repairing, electric-railroad	313	27,287	27,213	−.3
Car building and repairing, steam-railroad	356	85,370	84,210	−1.4
Miscellaneous industries	356	287,018	286,346	−.2
Agricultural implements	56	23,730	24,512	+3.3
Electrical machinery, apparatus, and supplies	131	147,254	146,644	−.4
Pianos and organs	39	3,888	3,907	+.5
Rubber boots and shoes	8	15,837	15,751	−.5
Automobile tires	32	43,151	43,109	−.1
Shipbuilding	58	33,806	33,327	−1.4
Rayon	7	10,649	10,556	−.9
Radio	25	8,703	8,540	−1.9
All industries	7,342	2,368,541	2,380,207	+.5
Recapitulation by geographic divisions:				
New England	985	284,163	285,300	+.4
Middle Atlantic	1,746	653,995	656,252	+.3
East North Central	1,983	873,818	883,359	+1.1
West North Central	610	109,817	110,616	+.7
South Atlantic	779	201,667	201,410	−.1
East South Central	310	71,264	71,238	(1)
West South Central	348	58,100	57,559	−.9
Mountain	144	29,221	29,061	−.5
Pacific	437	86,496	85,412	−1.3
All divisions	7,342	2,368,541	2,380,207	+.5

[1] Less than 1/10 of 1 per cent.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate executive messages from the President of the United States, which were referred to the appropriate committees.

EXECUTIVE SESSION

Mr. WATSON. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. If there are no reports of committees, the calendar is in order.

Mr. WATSON. Mr. President, I understand the treaties on the Executive Calendar are to be passed over.

The PRESIDING OFFICER. The treaties will be passed over.

DEPARTMENT OF JUSTICE

The Chief Clerk read the nomination of Charles B. Rugg to be Assistant Attorney General, and of Andrew B. Dunsmore, to be United States attorney, middle district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nominations are confirmed, and the President will be notified.

UNITED STATES BOARD OF TAX APPEALS

The Chief Clerk read the nomination of Annabel Matthews to be a member of the United States Board of Tax Appeals.

Mr. COUZENS. Mr. President, I ask that this nomination may go over. I had an understanding with the Senator from Georgia that we would fix a time for the consideration of the nomination.

The PRESIDING OFFICER. The nomination will be passed over.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Claude H. Hall, jr., to be secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

CUSTOMS SERVICE

The Chief Clerk read the nomination of Frank C. Tracey to be surveyor of customs, district No. 28, San Francisco, Calif.

Mr. JOHNSON. Mr. President, I do not intend to oppose the confirmation of this nomination. I recognize what a dreadful thing it is to fail in the usual obeisance to an idol or in any degree to say aught that may detract from the omniscience of a myth. But we have a shibboleth on this side of the Chamber, which for many years has been ours, of efficiency and economy, and as an honored member of the Republican Party I can not permit that shibboleth in any degree to be assailed, nor can I permit, when the occasion shall arise, that we should not insist that on all occasions, under all circumstances, as to all offices, and with every nomination, that efficiency and economy should always prevail.

I have had some recent experiences, sir, with the Treasury Department. Of course, I realize it is lese majesty to say anything about the Treasury Department or the distinguished gentleman who is Secretary of the Treasury. But I am impelled to say it in this instance solely because of my love for efficiency and economy and the intensity of my partisan desire that efficiency and economy shall never be lost sight of by any of my brethren.

Not a very great period ago there was in the city of San Francisco more or less rumor as to the appointment of an internal revenue collector. Upon the streets of that city it was asserted that the incumbent of the office was to be removed and a gentleman named Oftedal appointed in his place. Some of us in San Francisco, thinking only of efficiency and economy, thought that perhaps a wrong was being done and so, at the instance of many San Franciscans, on the 6th day of August, 1929, I addressed a letter to the Secretary of the Treasury asking whether the incumbent's service had been satisfactory, whether it had been efficient, whether it had been honest, and whether or not it had been wholly satisfactory.

Singularly enough, in the multiplicity of the duties of the Secretary of the Treasury, carrying out, of course, efficiency and economy in his office, he did not have time to reply until the 5th day of September, 1929, after the appointment had been made of a successor to the individual whom we thought—and in whose behalf I had written—had always performed his duties with efficiency, economy, ability, and integrity. Then he replied, after the nomination had been made, a month afterwards, saying in answer to the categorical questions I had asked in that regard, that the incumbent in the office, Mr. McLaughlin, had performed his duties ably, efficiently, honestly, and well. The reply, of course, would have come to me sooner undoubtedly but for the fact that here in Washington the Secretary of the Treasury was so engaged in efficiency and economy and in holding aloft the banner that was ours, and in his earnest and enthusiastic endeavor for efficiency in public office.

Thereafter, in October, there came to me the story that the gentleman who is named to-day, and to whom I have no objec-

tion, was to be appointed the collector of customs. On October 16, 1929, I had the temerity—I apologize for it, sir, because, as I said in the opening, I would not under any circumstances fail in obeisance to an idol nor would I in any way detract from the omniscience of a myth—again believing in efficiency and economy, and believing, of course, that the Secretary of the Treasury leads us in efficiency and economy, to address a communication to him in these words:

Formerly an office designated surveyor of customs existed at San Francisco. The last person officially to occupy it was Hon. Lawrence J. Flaherty. When Mr. Flaherty's term ceased, in some fashion, we were advised by your department that the office would be discontinued and its duties transferred. I have just been advised from San Francisco that some of our politicians have stated the office is to be revived. I write to ask you, therefore, if you would advise me whether or not the position is to be revived, and if so, for what reason. I would also appreciate it, if appropriately you could do so, if you would have sent to me by one of your clerks a copy of the order transferring the duties of the office and discontinuing it.

On October 19, 1929, the Secretary, then being able to reply within three days, was kind enough, and I express my appreciation of it, to reply categorically and courteously to my epistle thus:

MY DEAR SENATOR JOHNSON: Referring to yours of October 16 with reference to the appointment of a surveyor of customs at the port of San Francisco, this department knows of no reason why the policy which has been followed since 1925 should be changed at this time and is not recommending the appointment of a surveyor at San Francisco.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

Thereupon I rested, although the name of Mr. Tracey had been published as about to be appointed to this nonexistent office, until the appointment was made—and there is the story. Efficiency and economy only, I beg you to believe, are the impelling motives in calling it to the attention of the few interested. None can be interested greatly except in behalf of the greatest Secretary of the Treasury since Alexander Hamilton; but the facts are related for the few minor individuals at whose instance the inquiry was originally made.

After the nomination came to the Senate on the 29th day of January of this year, because of the positive declaration of the Secretary of the Treasury, I wrote again to him, reciting the communications that had passed between us before, and asking him if he would do me the kindness to forward to me the requisite information as to why the office had been discontinued for a period of five years, the orders, if any, that had been made in respect to the transfer of its duties, and the like. To that communication, dated January 29 last, I have received no reply. I do not cavil or criticize. I beg my brethren to understand as I do, that the Secretary of the Treasury is very, very busily engaged in behalf of efficiency and economy, and the mere re-creation of another office is of very small consequence, and doubtless escapes his notice.

The two instances are illuminating. In the one, an official, admittedly capable, honest, able, and efficient, and complimented by the Secretary of the Treasury for his high qualifications and the splendid administration of his trust, is superseded by another, who is not even eligible; in the other, an office that for five years he has not filled, and says he does not intend to, is revived without notice and in the teeth of a denial, and an appointment made. Efficiency and economy thus are vindicated.

But, sir, I repeat this record, which fortunately is in writing, that it may stand as the record here and may stand as the record of the appointments to two offices in San Francisco.

There are some things, Mr. President, that simply are not done in official life. They are the refusal by any department to reply within reasonable time to a courteous communication that is official in character or to make a reply that may be either mistaken or deceptive in character. These things, I say, sir, are things that simply are not done in official life—except by the Secretary of the Treasury of the United States of America.

I have no objection to confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the nomination is confirmed, and the President will be notified.

Mr. JOHNSON subsequently said: Mr. President, day before yesterday I indulged in some remarks concerning certain incidents which had occurred in California respecting appointments there in connection with the Secretary of the Treasury. The Secretary of the Treasury had delviered at my office last night at 6.20 a letter. I think the letter should go into the RECORD where my original remarks appear. I ask that it may be printed in the RECORD.

Mr. SMOOT. The Senator means in the permanent RECORD?

Mr. JOHNSON. Yes; in the CONGRESSIONAL RECORD where appear my remarks.

Mr. SMOOT. And not to appear in to-day's RECORD?

Mr. JOHNSON. Oh, yes. My intention is to have it inserted in the RECORD in exactly the way in which my words occur in the RECORD.

The VICE PRESIDENT. May the Chair suggest that the letter be printed in to-day's RECORD and that it be then transposed to the permanent RECORD at the place designated by the Senator from California?

Mr. JOHNSON. That is exactly my intention—in fairness to the Secretary to give the same publicity to his communication that was given to my remarks.

The letter, in my opinion, does not in any essential particular change the facts as related by me. There is naught in the letter concerning the Oftedal incident. Concerning the surveyor of customs, it appears from the letter, as was asserted day before yesterday, that the Secretary of the Treasury has for over five years made no nomination for that office, and to all intents and purposes had abolished the office so far as naming a surveyor of customs in San Francisco is concerned.

On October 16 last, when it was brought to my attention that Mr. Tracey was to be appointed by the Secretary of the Treasury to the office after there had been no nomination or appointment for more than five years, I addressed my letter of that date to the Secretary of the Treasury asking whether or not he intended to make the nomination. October 19 he responded, as his letter to me shows, as inserted in the RECORD day before yesterday, that there was to be no change in the policy of the Treasury Department. There the matter rested until, without notice to me or knowledge on my part by communication from him to me, the nomination of Mr. Tracey was sent by him to the President and by the President to the Senate.

That is exactly the situation. While I appreciate the reply finally made by the Secretary of the Treasury, the letter has a most depressing and chilling effect upon our enthusiasm for efficiency and it cools our ardor for economy. I ask that the letter may be printed in the RECORD as I have suggested.

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

The letter is as follows:

THE SECRETARY OF THE TREASURY,
Washington, February 7, 1930.

MY DEAR SENATOR JOHNSON: I have your letter of January 29, and regret that there should have been any delay in answering it, particularly as you seem to feel that the delay involved a lack of courtesy to you. No discourtesy was, of course, intended, but you will understand that the volume of communications is so great that occasionally some are not answered as promptly as is desirable.

I regret the delay all the more in this case, since I think, in view of the letter I wrote you on the 19th of October last, you should have been notified on the department's decision to recommend the filling of the vacancy in the office of surveyor at the port of San Francisco.

You ask that I send you the order made after election of Mr. Flaherty discontinuing the office, the order made providing for the transfer of its duties, and the order, if any, providing for the re-creation of the office. I think this request arises from a misconception of the situation. No such orders were issued. The position of surveyor was not discontinued, as Congress alone has the authority to abolish the office. The Secretary of the Treasury, therefore, had no authority to discontinue the office, no authority to transfer its duties, and there was no occasion, therefore, for issuing an order re-creating the office. What did happen was that upon the resignation of Hon. Lawrence J. Flaherty as surveyor, under the terms of the Calder Act of March 4, 1923, the assistant surveyor automatically became acting surveyor, receiving the salary of the surveyor and performing all of his duties in addition to his own. This situation continued from the date of the resignation of Mr. Flaherty in 1925 up to the present time, and when I wrote you in October I did not anticipate that there would be a change, certainly in the immediate future.

However, your colleague, Senator SHORTRIDGE, pointed out that inasmuch as the law provided for the office of surveyor and a vacancy existed, there was some question as to the propriety of the Secretary of the Treasury taking the position that he would refuse to recommend to the President the filling of a position created by law. In view of the representations made by Senator SHORTRIDGE, the department reached the decision to recommend the appointment of Mr. Tracey, who, by reason of his appointment, will perform the duties that are now being performed by an acting surveyor and receive the salary that the acting surveyor is now receiving.

I regret extremely that you should not have been notified of this change in policy, and want to assure you that no discourtesy was intended.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. HIRAM W. JOHNSON,
United States Senate.

POSTMASTERS

The Chief Clerk proceeded to read the nominations of postmasters.

Mr. PHIPPS. Mr. President, I ask that the first item on the calendar, No. 1998, George B. Black, Comanche, Tex., may go over without prejudice.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

Mr. PHIPPS. I now ask that the remaining nominations for postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations are confirmed, and the President will be notified. That concludes the calendar and the Senate resumes legislative session.

RECESS

Mr. WATSON. I move that the Senate take a recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Friday, February 7, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate February 6 (legislative day of January 6), 1930

SECRETARIES IN THE DIPLOMATIC SERVICE

The following-named persons, now Foreign Service officers and consuls, to be also secretaries in the Diplomatic Service of the United States of America:

Maynard B. Barnes, of Iowa.
J. Rives Childs, of Virginia.
Edward P. Lawton, jr., of Georgia.

CONSUL GENERAL

Kenneth S. Patton, of Virginia, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

COLLECTOR OF CUSTOMS

Nellie Gregg Tomlinson, of Des Moines, Iowa, to be collector of customs for customs collection district No. 44, with headquarters at Des Moines, Iowa. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate February 6 (legislative day of January 6), 1930

ASSISTANT ATTORNEY GENERAL

Charles B. Rugg.

UNITED STATES ATTORNEY

Andrew B. Dunsmore, middle district of Pennsylvania.

SECRETARY IN THE DIPLOMATIC SERVICE

Claude H. Hall, jr.

SURVEYOR OF CUSTOMS

Frank C. Tracey, district No. 28, San Francisco, Calif.

POSTMASTERS

ARKANSAS

James M. Merrick, Morrilton.

CALIFORNIA

Byron N. Marriott, Alhambra.
Hattie M. Miller, Fairoaks.
Grace M. Leuschen, Highland.
Ollos D. Way, San Dimas.
Susan M. Sigler, Universal City.

COLORADO

Elizabeth M. Kroll, Castle Rock.
Juan R. Valdez, San Luis.
Roy Hodges, Springfield.

CONNECTICUT

Harlan G. Hills, East Hampton.

GEORGIA

William T. Kitchens, Mitchell.

DELAWARE

Napoleon B. Register, Lewes.

IDAHO

Lowell H. Merriam, Grace.
Francis M. Winters, Montpelier.
Wells McEntire, Preston.
Percy E. Ellis, Stites.
Joseph O. McComb, Troy.

ILLINOIS

Howard B. Mayhew, Bradford.
Fred Wilson, Broughton.
Howard A. Hammer, Buda.
Otto W. J. Henrich, Des Plaines.
Peter Thomsen, Fulton.
Bruce C. Krugh, Homer.
Lora Johnston, Hudson.
Guy R. Correll, Hutsonville.
Elza F. Gorrell, Newton.
Herbert L. Rawlins, Thomson.
Robert Murphy, Tilden.
John R. Marshall, Yorkville.

INDIANA

Avery C. Phipps, Elwood.

KANSAS

Ezra D. Bolinger, Bucklin.
Maggie Dowell, Gaylord.
Daniel O. Edwards, Hazelton.
Florence Murray, Isabel.
Ernest Toomey, Neodesha.
Joseph H. Andrews, Overbrook.

KENTUCKY

Effie S. Basham, Leitchfield.
Samuel N. Sinkhorn, Stamping Ground.

MAINE

Ellsworth D. Curtis, West Paris.

MICHIGAN

Jesse R. Phillips, Auburn.
Ben H. Davis, Edwardsburg.

MINNESOTA

Lavinnie E. Holmberg, North Branch.

MISSISSIPPI

Bonnie H. Curd, Pace.
Elizabeth Collier, Shaw.
Emma D. Barkley, State Line.
Alexander Yates, Utica.

MISSOURI

Roy B. Woods, Bernie.
Ruby W. Benecke, Brunswick.
Luther P. Dove, Cabool.
Raymond E. Miller, Carl Junction.
Ralph D. Stonner, Chamois.
Edwin S. Brown, Edina.
William F. Haywood, Ellington.
Rose C. Geyer, Graham.
William E. Fuson, Hartville.
Paul P. Bradley, Leeton.
Paul Schork, Monticello.
William F. Crigler, Nevada.
Arthur B. Calame, Niangua.
John F. Hamby, Noel.
Ruth E. McCormick, Reeds Spring.
Evelyn S. Culp, Rocky Comfort.
Milton Wilhelm, Seligman.
Junius M. Bryant, Stafford.
James Z. Spearman, Tuscumbia.
Isaac M. Galbraith, Walker.
John Black, Washburn.
Edwin McKinley, Wheaton.
Ben J. Drymon, Willow Springs.

NEBRASKA

May T. Douglass, Callaway.
Elizabeth G. Mendenhall, Grant.
Elizabeth Mohr, Kilgore.
Ralph R. Brosius, Valentine.

NEW HAMPSHIRE

Lloyd S. Emerson, Contoocook.

NEW JERSEY

Bertha A. Chittick, Old Bridge.

NEW YORK

Sheldon D. Clark, Bath.
Rupert M. Gates, Bolton Landing.
Richard Bullwinkle, Central Valley.
Gladys W. North, Chazy.
Erastus Corning Davis, Fonda.
Fred H. Bacon, Franklinville.
Fred F. Hawley, Lake George.
Fletcher B. Brooks, Monroe.
Roswell P. Blauvelt, New City.

Elmer J. Conklin, Poughkeepsie.
Frank Wright, Salem.
Herbert C. Smith, Warrensburg.

NORTH DAKOTA

Myron T. Davis, Lisbon.
Orpha B. Wells, Robinson.

OHIO

John R. Williams, College Corner.
Carl M. Mott, Garrettsville.
French Crow, Marion.
Earl Augustine, Montpelier.
Lester E. Whitehead, Westerville.

OKLAHOMA

R. Hawthorn Carpenter, Cromwell.
Elta H. Jayne, Edmond.
William A. Kelley, Marshall.

OREGON

Guy E. Tex, Central Point.
Albert M. Porter, Gaston.
Ruby O. Roberts, Ione.
William G. Smith, Mill City.
John S. Sticha, Scio.
Reber G. Allen, Silverton.
Tony D. Smith, Union.

PENNSYLVANIA

Marion Rosbach, Forksville.
Earl W. Hopkins, Leetsdale.

RHODE ISLAND

Albert J. Rene, West Warwick.

SOUTH CAROLINA

Rosa B. Grainger, Lake View.

SOUTH DAKOTA

William H. Nesbitt, McLaughlin.

TENNESSEE

James E. Miller, Kingsport.
William J. Julian, Silver Point.
Lawrence L. Linville, Waynesboro.

TEXAS

Mima Fessler, Bigwells.
Mark A. Taylor, Bonham.

WASHINGTON

Hugh Eldridge, Bellingham.
Frank A. McGovern, Concrete.
Alfred U. Thompson, Everson.
Elijah H. Nash, Friday Harbor.
Adam L. Livingston, Mabton.
Bertha H. Welsh, Prescott.
Ira G. Allen, Pullman.
William L. Oliver, Rockford.

WEST VIRGINIA

Chancellor L. Jones, Fairview.
Gilbert W. Smith, Middlebourne.
Marshall C. Archer, Ripley.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 6, 1930*

The House met at 12 o'clock noon.

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

Our Gracious Father, Thou hast added another day to our lives; as we grow in age may we grow in knowledge and wisdom. We thank thee that we are the children of the Most High and heirs of immortality and that we are not fatherless and forlorn, drifting on an uncharted and unpiloted sea. Through dark and bright, defeat can not daunt or dishearten, for Thou art the Lord God of Hosts, whose mercy, power, and holiness are from everlasting to everlasting. We pray for the presence of the Holy Spirit, that He may work in us and bring us in unison with eternal right, which is the will of God. Then the love of wrong will be changed to the love of right. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions and a bill of the House of the following titles:

H. J. Res. 232. Joint resolution to amend the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928;

H. J. Res. 240. Joint resolution making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona;

H. J. Res. 241. Joint resolution making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads;

H. J. Res. 242. Joint resolution making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929; and

H. R. 5191. An act to authorize the State of Nebraska to make additional use of Niobrara Island.

PERMISSION TO ADDRESS THE HOUSE

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent that on next Thursday, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for one hour.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that on next Thursday, after the disposition of matters on the Speaker's table, he may address the House for one hour. Is there objection?

There was no objection.

MAPLE SUGAR TARIFF

Mr. GIBSON. Mr. Speaker, I ask unanimous consent to insert in the RECORD some remarks of my own in regard to the maple sugar tariff.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. GIBSON. Mr. Speaker, maple sugar properly comes within that class of articles and products included in the agricultural relief features of the tariff bill. The American Farm Bureau Federation recognizes this, as is indicated by the brief submitted to the Ways and Means Committee, which includes this product as one demanding substantial increased protection. The principal maple-sugar producing States are Wisconsin, Michigan, Ohio, Pennsylvania, New York, Massachusetts, Vermont, New Hampshire, and Maine. It is also produced in some quantities in 12 other States, such as Maryland and West Virginia, which produce for sale in a quantity somewhat smaller than the States named.

The number of trees in use in these leading States for the years 1926, 1927, and 1928 are shown by the following table compiled by the Bureau of Agricultural Economics, United States Department of Agriculture.

Maple sugar and sirup: Trees tapped, 1926–1928 [1]

State	Trees tapped		
	1926	1927	1928
Maine	304,000	310,000	304,000
New Hampshire	790,000	822,000	806,000
Vermont	5,554,000	5,665,000	5,722,000
Massachusetts	272,000	277,000	280,000
New York	3,958,000	3,839,000	3,647,000
Pennsylvania	696,000	626,000	607,000
Ohio	1,700,000	1,666,000	1,583,000
Michigan	863,000	828,000	869,000
Wisconsin	575,000	570,000	570,000
Total, 9 States [2]	14,712,000	14,603,000	14,388,000

[1] Bureau of Agricultural Economics, U. S. Department of Agriculture. (Yearbook, 1928.)

[2] These 9 States produced about 97 per cent of the maple sugar and about 92 per cent of the maple sirup made in the United States in 1919 as reported by the Bureau of the Census.

The producers are in the main small farmers who depend upon their sugar crop to help out their annual incomes. The largest orchard known is that of the Cary Maple Sugar Co., of St. Johnsbury, Vt., with 20,000 trees, of which about half are in use. The work of sugar making is carried on at a time of the year when the farmer can do no other kind of work to advantage. To deprive them of this income, or to cut down the market price and curtail production through competition from without the country would cause a real hardship to thousands who farm in a small way.

THE PRESENT RATE SITUATION

The act of 1922 fixed the tariff rate at 4 cents per pound for maple sugar and maple sirup. A gallon of maple sirup weighs 11 pounds. At the present rate this would yield a duty of 44 cents if imported. This 11 pounds of sirup will produce about 7½ pounds of sugar and, if imported, would pay a duty of 30

cents. This difference of 14 cents compels the manufacturer, if he wishes to bring maple products into the country, to reduce the sirup to the form of sugar in Canada, which is the chief competitor of our producers.

In order to correct the differential and give adequate protection, paragraph 503 of the House bill placed a duty of 7½ cents on sugar and 5 cents on sirup. The Finance Committee of the Senate fixed the duty on sugar at 9 cents and on sirup at 6 cents. The Senate changed the rate to 8 cents on sugar and 5½ cents on sirup. That is the situation at the present time.

METHOD OF PRODUCTION

Production is a short-time activity. For a few weeks in the early spring sap rises in the maple tree in so clear a form that by boiling it can be reduced to sirup, and by still further boiling to sugar. The sap is obtained by tapping the hard or rock maple tree—that is, by boring a hole into it and then inserting a spout that will permit the sap to come out and drop into a container called a bucket, attached to the tree. It is then gathered into tubs or tanks and taken to the sugar house. As fast as the sap is gathered it is boiled in shallow pans or evaporators. This process is called "boiling." The sap does not keep well, therefore it is necessary to boil it as soon as possible after gathering. It is converted by this boiling process into sirup and then set aside until sold in that form or until the farmer is ready to put it into sugar by further boiling, called "sugaring off." It takes about 45 gallons of sap to make 1 gallon of sirup. The sap comes in "runs," and prompt advantage must be taken to convert it into sugar or sirup to obtain a product of the first quality.

An element of the industry is the weather. If the nights are freezing and the days warm and sunny, with the thermometer considerably above the freezing point in the middle of the day, the sap flows freely. Any considerable variation in the weather standard will cause a change in the quality. Warm nights or cold days, or warm winds affect it. After a good run, and a period of bad weather causing a suspension of work, good sugar weather returns after a snowstorm, sometimes called a "sugar snow."

The evaporator in which sap is reduced is heated by a wood fire. When in the form of sirup it is transferred to the sugaring-off pan and further reduced at temperatures from 240° to 250° to the sugar form. While the operation of making sugar is quite simple, yet some experience is required to produce the best quality. The manufacture is carried on exclusively by the farmer and no expert is needed. In no sense has the production been capitalized by the big producer. The average orchard in this country is 820 trees, while in Canada the average is 1,163 trees. Methods of production have been greatly improved in recent years from the old kettle hung over a support in the open to the use of evaporators and other improved equipment.

CANADIAN COMPETITION

Practically all our importations of sugar products come from the Province of Quebec in Canada, where the production has been increasing. In this country the production has been decreasing.

The United States Tariff Commission has prepared a table of production of maple sugar and sirup in the United States and Canada in terms of gallons of sirup and pounds of sugar. This shows:

Production of maple sugar and maple sirup in the United States and Canada, 1919–1928

Year	Maple sugar		Maple sirup	
	United States [1]	Canada [2]	United States [1]	Canada [2] [3]
	Pounds	*Pounds*	*Gallons*	*Gallons*
1919	9,787,000	12,353,667	3,804,000	1,764,330
1920	7,324,000	15,615,141	3,580,000	1,739,579
1921	4,730,000	12,285,514	2,386,000	1,650,762
1922	5,147,000	9,016,650	3,640,000	1,890,089
1923	4,685,000	8,215,975	3,605,000	1,500,780
1924	4,078,000	9,385,415	3,903,000	2,364,835
1925	3,236,000	10,496,262	3,089,000	2,006,512
1926	3,569,000	7,137,303	3,737,000	2,095,884
1927	3,236,000	9,831,697	3,672,000	2,585,646
1928 [4]	2,388,000	13,798,109	3,013,000	2,023,900

[1] From Yearbooks of U. S. Department of Agriculture.
[2] From Canadian yearbooks.
[3] Converted into United States gallons.
[4] Preliminary.

The twelfth annual report (1928) of the Tariff Commission shows an increasing percentage of consumption of imported maple products. The statistics are given in the following table:

Maple sugar and maple sirup: Production in the United States and percentage of consumption imported, 1924–1927

Year	Sugar			
	Domestic production [1]	Imports [1]	Domestic consumption	Percentage of consumption imported
	Pounds	*Pounds*	*Pounds*	
1924	4,078,000	3,910,774	7,988,774	48.95
1925	3,236,000	3,446,456	6,682,456	51.57
1926	3,577,000	3,886,471	7,463,471	52.07
1927	[3] 3,102,000	5,533,252	8,635,252	64.08

Maple sugar and maple sirup: Production in the United States and percentage of consumption imported, 1924–1927—Continued

Year	Sirup			
	Domestic production [3]	Imports [1]	Domestic consumption	Percentage of consumption imported
	Gallons	*Gallons*	*Gallons*	
1924	3,903,000	5,514	3,908,514	0.14
1925	3,089,000	10,313	3,099,313	.33
1926	3,900,000	18,481	3,918,481	.47
1927	[3] 3,183,000	15,919	3,198,920	.50

[1] Foreign Commerce and Navigation of the U. S. Department of Commerce. Pounds of sirup converted to United States gallons. One gallon weighs 11 pounds.
[2] Yearbook 1927, U. S. Department of Agriculture.
[3] For 8 States, not including Ohio and Indiana.

The statistics of the actual importations for consumption from Canada show an increase year by year.

Maple sugar and maple sirup: Imports for consumption, 1923–1928 [1]

Year	Maple sugar imports for consumption	Maple sirup imports for consumption
	Pounds	*Gallons*
1923	1,996,104	9,329
1924	3,910,774	5,514
1925	3,446,456	10,313
1926	3,886,471	18,481
1927	5,533,252	15,919
1928	6,954,530	36,240

[1] From Foreign Commerce and Navigation of the United States.

In the calendar year 1929 there was a tremendous increase as shown by the following letter from Hon. Harry C. Whitehill, collector of customs for the district of Vermont:

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
St. Albans, Vt., January 13, 1930.

Hon. ERNEST W. GIBSON,
Representative to Congress, Washington, D. C.

MY DEAR CONGRESSMAN: In response to the request in your letter of the 10th instant I take pleasure in submitting below a statement showing the amount and value of maple sugar and maple sirup imported into this district during the calendar year 1929.

1929	Sugar	Value
	Pounds	
January	451,451	$66,939
February	822,394	141,060
March	170,256	28,944
April	135,864	27,060
May	4,323,936	766,076
June	726,350	140,090
July	1,249,366	249,866
August	1,669,789	333,933
September	529,374	101,404
October	283,919	51,177
November	55,885	9,417
December	180	36
	10,418,764	1,916,002
May, sirup, 3,552 gallons	39,073	5,188

With the exception of the month of May, as shown above, importations of maple sirup into the district during the year were negligible.

Trusting this will give you the required information, I am, with best regards,

Sincerely yours, HARRY C. WHITEHILL, *Collector.*

Attention is called directly to the fact that the importations increased from 1,994,104 pounds in 1923 to 10,418,764 pounds in 1929. This means that the Canadian product has been displacing the American product at the expense of our farmers. They have been shut out from their home market by an increase in the importation of the Canadian product.

The inevitable result has followed. Data provided by the Vermont Department of Agriculture show that only 58 per cent of the producing trees in Vermont are in use. The brief of the Vermont Sugar Makers' Association presented to the Tariff Commission in favor of an increase in the rate, at the time the application for an increase under the elastic clause was before that body, contains the following statement:

It is a matter of common observation that in recent years many good producing maple orchards have been sacrificed to the lumberman's ax. As a consequence many hill farms in Vermont have from the loss of an important source of income to them become unprofitable and their owners have moved away leaving them idle. From 1920 to 1925, according to the United States census of agriculture, 310,000 acres of Vermont farm land went out of use. This is an area 30,000 acres greater than all the farm land in Chittenden County in 1925, and represents about 7 per cent of the farm land in the State. This extensive abandonment of farm land occurred almost entirely in the hill towns where maple products is one of the main sources of income.

The American farmer is at a great disadvantage in competing with the Canadian in the production of maple products for two reasons. First, there is a difference in the cost of production. The United States Tariff Commission for the season of 1925 secured 625 cost-of-production records in this country, and 223 records in Canada. According to these data the average cost per gallon in the United States was $1.9118 per gallon of sirup, or $0.1738 per pound, and in Canada $1.3904 per gallon or $0.1264 per pound. The cost in detail is set forth in the following table:

Cost per gallon of sirup in United States and Canada

	United States	Canada
Operating costs:		
Human labor	$0.4452	$0.3165
Horse labor	.1661	.1046
Fuel	.3017	.2125
Taxes	.1258	.0905
Rent	.0346	.0074
Repairs and depreciation	.2059	.1715
Other operating costs	.0058	.0002
Marketing costs:		
Human labor	.0233	.0139
Horse labor	.0103	.0102
Other marketing costs	.0059	.0031
Total costs per gallon, except interest	1.3246	.9304
Interest on equipment	.1737	.1625
Interest on orchard at 6 per cent on value of orchard for sugaring	.4135	.2975
Total cost per gallon	1.9118	1.3904

The second reason why our producers are at a disadvantage is that Canada gives some aid to the producers, while none is given in this country.

Conflicting statements have been put on record in respect to the aid given by the government of Quebec. Mr. George C. Cary, of the Cary Maple Sugar Co., of St. Johnsburg, Vt., a large wholesaler of maple products, stated before the Finance Committee of the Senate; page 338 of the printed hearings:

They do not pay a direct bounty, but it is an appropriation of the Agricultural Department.

The deputy minister of agriculture in Quebec, in a dispatch from Montreal under date of January 25, 1930, states:

The government of Quebec pays no bounty whatever to maple-sugar producers.

As against this denial that a bounty is paid to maple-sugar producers in Canada, and in support of the claim that aid of some kind is given, several exhibits have been placed before Members of Congress. Among these exhibits is a "statement of the public accounts of the Province of Quebec for the fiscal year ended 30th of June, 1928," which shows, at pages 188–189, a government grant to honey and maple-sugar industry of $55,000; and a "statement of the public accounts of the Province of Quebec for the fiscal year ended 30th of June, 1929," which shows, at pages 190–191, a government grant to honey and maple-sugar industry of $94,430.75. The distribution of this amount is shown by items on pages 202, 219, and 220. There have also been presented translations of articles appearing in different Canadian papers and circulars issued by the Sugar Cooperative, all tending to show aid by the government.

In view of these contradictions and to arrive at the truth of the matter, Hon. FRANK L. GREENE, United States Senator from Vermont, sent to the chief of the sugar division of the United States Tariff Commission the exhibits bearing on the question, with a request that a memorandum be prepared for his use. All the documents were reviewed carefully and the following conclusion arrived at, as shown by the report:

It seems clear from the evidence furnished that no direct bounty is paid by the Quebec government to maple sugar and maple sirup producers of Canada. It appears, on the other hand, that a bonus of 2 cents per pound on maple sugar and maple sirup delivered to the cooperative association is granted by the Quebec government to maple sugar and maple sirup producers through the cooperative association under certain conditions; that one gift amounting to $10,000 and one loan of $5,000 has been made to the Cooperative Society of Maple Sugar Producers by the minister of agriculture; that loans not exceeding $500 without interest and gifts amounting to $30 per member are promised to the producers through the cooperative association under certain conditions.

Evidence is not available showing the total amount of bonus actually paid, or what it would amount to per pound of sugar and per pound of sirup if paid in full. It appears, however, to be considerably more than 2 cents per pound.

So it appears to be well established that substantial aid is given to the producers of maple products by the government of Quebec. This aid is given in the following ways:

First. By payment of all or a part of the salaries and expenses of those engaged in fostering the maple-sugar industry and superintending or managing cooperative organizations whose formation is sponsored by the Government.

Second. By the Quebec government doubling every cent placed in the reserve fund of maple sugar cooperative associations organized under the government plan.

Third. By the Quebec government equaling every $30 subscribed by a member to such cooperative societies.

Fourth. By the Quebec government loaning to such cooperative societies, for the period of five years, up to the sum of $500 without interest, toward the cost of new materials for the installation of equipment. This would be $90 for the 5-year period.

Fifth. By special grants to such societies, and loans on advantageous terms.

In my opinion this aid to the Canadian producer, when all payments and grants are taken into consideration, will be found to be in excess of 4 cents per pound.

Therefore the American farmer is at a great disadvantage. The experience of the largest producer of maple sugar in the country who has kept accurate cost accounts, is that there has been only one year in eight when enough has been received for sugar and sirup to pay the cost of his labor. It follows that the production can not be organized into a big group. The cooperative marketing scheme and aid of the Quebec government is forcing many of our farmers out of business. That is not only true of Vermont but it is true of the 20 other States that produce maple products.

AGRICULTURAL RELIEF WARRANTED

If there is any agricultural product that is deserving of protection to save the life of the industry it is that of maple sugar. Quebec intends to increase production from fifteen to seventy million pounds in five years. This production will take care of the world demand. The American farmer will then be out of the picture, so far as the manufacture of maple products for sale is concerned.

The only salvation for our farmer in respect to this crop lies in obtaining such a protective tariff duty through this revision of the tariff that will save the American market for him.

Talk about agricultural relief to the suffering farmers of the Nation! Here is an opportunity for action that will give direct affirmative relief without resorting to the Farm Board, or any other administrative agency.

The duty should be placed at 9 cents for sugar and 6 cents for sirup. That is the request of the maple-sugar makers of the country. It is the fair demand of the farmers who are the producers, and the rates proposed are not so high as those suggested as reasonable by the American Farm Bureau Federation in its brief submitted for the consideration of the Ways and Means Committee in behalf of agricultural producers (see p. 3041, vol. 5, hearings before Ways and Means Committee).

WOODROW WILSON

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Alabama [Mr. PATTERSON] for 20 minutes.

Mr. PATTERSON. Mr. Speaker, ladies and gentlemen of the House, we passed over on last Monday the sixth year since the death of that great leader, Woodrow Wilson. I feel my inadequacy to measure up to the undertaking of discussing this great character when I look around me and see so many distinguished men who knew him at first hand during the zenith of his career. I believe the inspiration that the lives of our great men bring to us should be reviewed more often than they are. I have always loved and had a great deal of respect for all the great characters in history. My deep feeling for these great men of the past, so far as I recall, dates from a little personal incident in my life, for which I hope you will pardon me when I relate.

At the time of the Buffalo Pan American Exposition in 1901 I was but a small boy, and my family belonged to that class of poor tenant farmers in the South; and in my home during all those years I do not suppose that such a thing as a daily paper ever entered. However, I recall that in September, 1901, my father—a dyed-in-the-wool Democrat and an ardent Bryan supporter, following him three times to defeat and probably whose daily prayer for years was "God bless Bryan"—got hold of a paper some few days old and read there of the tragic death of that good and beloved statesman, William McKinley. As my father sat there and read those lines I recall how the tears ran down his cheeks, and how deeply touched was this man who was inured to hardships and deprivation and the hard battles of life. Somehow I went out from his presence that day with a different outlook on life.

Since, with that same feeling, I have loved Washington, Jefferson, Lincoln, Roosevelt, Wilson, and many others. I have loved to read and study the lives of those men sometimes referred to as "The immortal trio" during the days of 1820–1850, when those three leaders—Webster, Clay, and Calhoun—adorned the forensic arena of national life as they stood here and in that other body at the other end of the Capitol and discussed the great questions of the day with the fervency and power which they possessed.

Another great trio occur to my mind, and these are the three greatest political figures that have led this country since the days of Abraham Lincoln. The trio to which I refer is composed of: The Great Commoner, William Jennings Bryan, whose distinguished daughter is a Member of this House to-day; that great President and typical American who steered the ship of state of this Nation from the time the good McKinley fell at Buffalo until March 4, 1909, and a member of whose family is the distinguished Speaker of this House now. To my mind a great American, and one with more buoyant spirit, more emblematic of our national life, has never graced the Presidency, As some one has said:

In whatever campaign he entered, there was only one issue, and that was Roosevelt.

A little over 10 years have elapsed since the close of the World War and the break in the health of the third in this great trio. Not enough time perhaps for history to appraise the value and character of a man's national service; but it has been long enough for some of the constructive ideas and policies of the great character on whose life and work I address you to be tried. These constructive policies I only refer to, for I would not undertake a discussion of these works in detail before this House. But no one will deny the fact that he was connected with some of the most constructive peace-time legislation of any similar period in American history. Not only that, he was our great leader in the greatest world conflict known to the ages, and his relation to this war and its conclusion so tremendously outweighs his other work that it will be here that forever the adverse storms and cross currents of life surge, and when his rightful place in the history of the world is assigned the main chapter in his history will be his relation to the World War and the great ideals which he held up that permeated the world throughout that time.

Loath to take up arms in the conflict; coined the phrase "Too proud to fight," but when once in would not yield until what he set out to accomplish was assured. He ascended the heights as an international figure—greater than any other man civilization has known. He spoke the hopes and thoughts of the millions of oppressed. His desire was for peace, and this he advocated without hatred or suspicion of other nations. This he hoped to gain through his tremendous power of eloquence and the millions of people who were back of him when he went to Europe; but when he arrived on the scene and took up the work for permanent peace he found many secret treaties and secret agreements. These he combated with all the gigantic power of his great strength.

Had there been some way that he could have appealed to the great masses of mankind the world over probably these statesmen in their greedy haste for territory and indemnity would have yielded, but there was no way. It is characteristic of our people that he could say when he came back from his first trip across the Atlantic that there existed no suspicion of America, for we sought neither territory nor indemnity.

He held steadfast to his great idea which he announced at the beginning of the conflict, that he wanted to enter war to end wars, and he so maintained this idea and presented it to the people until those American boys who carried the Stars and Stripes felt that was really the cause for which they were fighting.

When that great statesman crossed the river, from whose bourne no traveler returns, on February 3, 1924, the Outlook was quoted as saying in effect:

The future of Woodrow Wilson is linked up with the success of the League of Nations or any similar organization which may arise to take its place to prevent war, and if this move of international cooperation for peace is successful his future is secure.

What has the past 10 years shown? Time has brought out the fact that to-day the world stands in need of a great association of nations to outlaw war. In spite of the attitude that men might have taken in the heat of campaign, every man who has sat in the White House from March 4, 1921, to the present has recognized the absolute necessity of some kind of organization to prevent war and reduce armaments. They have differed in method and detail, but all have recognized the high import of this duty. Can it be done without cooperation and organization? I think not. Further, nearly all the statesmen of the world have recognized this need and supported it. I wish I might go further into detail here, but the need does not exist, for the Members of this House are familiar with the happenings of the past 10 years. I say, can we shirk this duty and push it off? No; it is with us, and, as our own good President has shown from time to time, at his inauguration, and since, it must be met and dealt with, and I believe it should be as honestly dealt with as any other of our problems.

My colleagues, I am a strong believer in peace, and as we pass over the sixth anniversary since the death of Woodrow Wilson, however inadequate I feel to the undertaking, I want to be one of those who place a flower on his bier and say that I believe in the peace of nations. It does not make any difference what party's President or what organization sponsors the peace of the world, I stand ready to support any constructive and honorable plans, and want to say further that every sincere effort that my President exerts to bring about peace or harmony, by whatever name it is called, I stand behind that program with all the power and energy I have, and emhpasize in the strongest language I can, as I think of that great hero who stood there in Paris and fought for this great ideal which he loved and cherished, I believe in so doing I am serving humanity and the ages to come.

I realize as we go to these disarmament conferences we will not get all that we want, but to those men who are over there fighting these battles for peace and reduction of armaments I want to say that I am back of them without selfishness, suspicion, or hatred, but with a sincere hope that we may bring about the best possible peace with the reduction of armaments and war expenses.

We need not fool ourselves to-day; it is very doubtful that the world could again stand the strain of mobilizing 50,000,000 of the flower of their young manhood and pouring out two hundred and fifty billions of the wealth of the world and then the result be 10,000,000 killed or maimed for life. Probably more than 80 per cent of the world's national taxation is spent on past, present, and future wars. What would this four billion three hundred million world armament bill of the present year do if used in constructive works of peace, like building roads, schools, and homes for our people? What would this tremendous appropriation that we make here for the building of armaments do if used for our schools, homes, and so forth? Building great battleships to become obsolete and then building more.

I believe it was Premier MacDonald who said that—

To build armaments is not a security for peace.

Mr. Speaker, if it had been, why, Germany would not have had any war, for she had the greatest military force that this world has known, and England would have had no war, for she had the greatest fighting fleets on the waters.

My colleagues, peace is not brought about by battleships or armaments. Peace is not brought about by hatred, fear, or

suspicion. When we go to the council table, if we are sincerely seeking peace and harmony, we must leave these things out of it. Speaking for no party—speaking only on my own responsibility—I want to say to-day in this hour that I believe in international cooperation for peace. I shall support any program which leads toward peace, although it may not be a perfect one. It matters not what party or President sponsors it, I am, to the very best of my ability, behind that program if it is honorable, constructive, and will accomplish the ends desired.

What is war? What has it brought to us in this new age of civilization and scientific investigation? The biggest thing that wars will bring to us is more burden and distress and destruction. Of course, I am not for peace at any price. I believe there might come a time to fight, and there may come a time in a man's private life to fight physically, but I prepare to live in peace with my fellow man, and consequently I do not have to fight.

May God help our nations to-day as they sit around the great council table to prepare not for battle through the security of arms but to prepare for peace through harmony, cooperation, faith, and justice, and may the spirit of the Master of Life pervade all their deliberations.

As I said, I am not for peace at any price. I thoroughly believe in the words once spoken by that great President, Theodore Roosevelt, to whom I referred a few minutes ago, who said that—

He who is afraid to die is not fit to live.

But I want to be consecrated to the great tasks of peace. My colleagues, I do not desire war to be brought on, which will cause the poor man to drop the working tools of peace, leaving his children to be unprotected orphans out in a cold world, while he dies on the battle field. These things take the glamor out of war.

Regardless of what we may think of Woodrow Wilson's part in world peace or our political views, and regardless of how we may differ in the details and methods by which permanent peace is to be brought about or the name of the body which is to function, I think that none will deny that he possessed the great ideal to which the world must sooner or later come, in order to assure the world of lasting peace and save civilization from this yawning climax of war, turmoil, and misery.

In this gigantic struggle he gave his life, as he said once that he would gladly do to make this thing assured. He gave it with the firm faith believing that the enduring years of time would vindicate his ideal, and save the torn and bleeding world from a recent catastrophe from which it will not soon recover.

True, he fell in the attempt. Many said that he failed. They said the same thing of the Great Master of Life. However, as we go forth and finally have an organization for making the peace of the world secure, as we will, the name of Woodrow Wilson will ever be linked with that accomplishment. His name is as safely intrenched with the advocates of international peace and cooperation as Lincoln's is with that of freedom and union. Wilson's words uttered at a banquet given in Buckingham Palace on December 27, 1919, are true to-day, if we could only reach everyone. He said:

There is a great tide running in the hearts of men. The hearts of men have never beaten so singularly in unison before. Men have never before realized how little difference there was between right and justice in one latitude and in another, under one sovereignty and under another.

At that time as the great masses of humanity turned from the work of destruction to pause in the twilight of peace, and, Mr. Speaker, I verily believe it would have been thoroughly realized at Paris had it not been for the rise of greed, fear, suspicion, and the cross currents of politics; but I stand here a humble Member before you to-day, in this great law-making body, which has been graced by so many great and noble men, and pay my tribute to the great statesman who stood for these ideals and spoke for the great masses of humanity at that time, who was a great President of a great country—a great statesman and a great idealist. He believed that the pendulum would adjust itself in the calm morning when political strife is over and the greed of mankind has receded into the background and the world comes to a sober thought, as it is rapidly doing, as has been manifested by the many efforts for peace and the many conferences for disarmament, which had for their end making the world safe for democracy and peace. Again we shall come to that time when the voices of the masses will be heard and then the nations of the earth will learn war no more, and we will have such a reign of peace and democracy as was dreamed of by the great war leader, Woodrow Wilson.

In closing, may I say that it is my sincere desire to-day to not only stand for peace and international cooperation backed up by faith and justice, but to plant a flower on the grave of that great hero who has fallen as a casualty of that war to end wars, and not to him only but to everyone who did, and as has been so fittingly said, by some great statesman:

I desire to keep faith with them in carrying forward that ideal, and keeping it still high advanced.

And as I lay a rose on that bier, I want to turn to the task of life with the same spirit which Woodrow Wilson manifested in those last hours when the doctors notified him that his time had come—he met it with that warlike heroism and spirit as he said, "I am ready."

There have been times in the past when we honorably resorted to the sword, and I know that some great issues could only be settled by that arbiter, to our deep sorrow. But may God grant that it never be so again, and as Lincoln said, may the better angels of the nature of mankind touch us all, and may there stretch from every hearthstone and fireside on the globe the call of peace, faith, and justice, until all our statesmen and diplomats be imbued with their high duties of consecration and dedication. This would be democracy and statesmanship, and would more fittingly commemorate the life and works of Woodrow Wilson than any words I might utter here or elsewhere. His life and spirit salute us to-day, not as dying men as did the Roman gladiators, but as a living force for peace and democracy. [Applause.]

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The motion was agreed to.

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

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose Saturday there was pending an amendment offered by the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to withdraw that amendment and to offer the one which I have sent to the desk.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JONES of Texas: At the end of line 22 insert the following: "nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds."

Mr. JONES of Texas. Mr. Chairman, I have so worded this amendment as to exclude these compounds that occupy an entirely different field than that occupied by butter in any of its uses. I am perfectly willing for the measure to cover all compounds that come in competition with butter or to any use of butter.

The way the definition is worded it would include these, as I construe it, and would include a great many others. It would include all vegetable oils, cottonseed oil being included if mixed with liquids or if they have any salt or moisture left in them.

I have before me a pamphlet used by the Department of Agriculture showing the use of cottonseed products in different countries. I have taken these names from that report covering commodities that could not possibly be used as a butter substitute. They have opened a great field for the use of cottonseed oil in an entirely different field. I am willing to leave butter to its field and have cottonseed oil occupy the other field. Surely you do not want to bring into the definition liquid emulsions and other pharmaceutical preparations, medicines, preservatives, and cleansing compounds that do not enter into the butter field.

As shown in this report, meals are emulsified with water. They are used for many different purposes. Many different countries make cake of them.

Surely you do not want to tax these oil meals. It is shown in the report that cottonseed oil is used as a liquid preservative, and I do not think that you want any question about them being included. This shows that Dr. George Brown, of Atlanta, has manufactured and placed on the market an emulsion of cotton-

seed oil which is used as a substitute for cod-liver oil. I also have the report here from Luther A. Ransom on The Great Cottonseed Industry. He says:

To convert the seed into these products over $100,000,000 is invested in the United States alone, in over 800 establishments, employing possibly 40,000 men; these various establishments are located in all parts of the Union, and many others in various parts of the European countries. These industries have increased the foreign trade of the United States over $30,000,000 annually by the export of cottonseed products, adding to the golden stream constantly crossing the waters to move the cotton crop of the South, thus aiding and keeping the balance of trade between the United States and Europe in favor of our country, which last year exceeded half a billion dollars. To these magnificent results the farmers of the South are contributing enormously, inasmuch as the value of your cotton crop alone is equal to the balance of trade in favor of the United States.

Mr. UNDERHILL. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. UNDERHILL. It is used as a substitute for cod-liver oil?

Mr. JONES of Texas. Yes; but I do not want to go into that; I am trying to take care of the butter field. I am trying to preserve the field of cottonseed oil, and at least protect it when it is in a different channel from that of butter. Surely the committee does not want to destroy this entirely different field for cotton and cotton oil.

I am pleading to this committee to remove any doubt about the legitimate field of the industry and to give an opportunity to an industry that for years was prostrated, so that it may continue to furnish a livelihood for a great class of our people. You have eliminated in this bill salads and puff-pastry shortening, and surely you do not want to include these liquid compounds which go into a channel far removed from butter. You do not want to include those. Every one of the commodities designated in my amendment are being used at the present time, as I have stated. They do not compete with butter and should not be taxed. I am so anxious to preserve this great field. If the committee will adopt this amendment, it will remove any doubt as to the validity of the bill and make it effective in protecting the dairy industry and will remove any possible objection to the bill.

If those in charge of the bill would make a statement that these outside commodities that are not used in competition with butter in any of its uses, it would satisfy a great many who have fears that the present language is so broad as to include them.

In order to prevent any fraudulent substitutes of butter from being palmed off on the public as butter, I have offered the following amendment, which I hope the House will adopt.

Page 2, line 22, after the word "products," insert a new section, as follows:

SEC. 3. Any person, firm, or corporation who sells or offers for sale any commodity covered by subdivision (3) of section 2 without having same in a package plainly labeled, or who sells or offers for sale any such commodity claiming or representing it to be butter, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding $500, or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

This amendment provides a penalty clause, and would put out of business those fakers who try to deceive the public into believing that their substitutes are butter. Any such fraud should be stopped at once. Dairying is a great and important business. I want to see it protected in every possible way.

Mr. PURNELL. Mr. Chairman, I rise in opposition to the amendment and ask the attention of the membership of the House. If we can dispose of this amendment, I think there will be no other amendment of any particular importance offered to the bill. The language of this bill has been under consideration for a long time, both by members of the Committee on Agriculture and the Department of Agriculture, to say nothing of the Bureau of Internal Revenue. It is not an easy thing to draft what seems to be a simple amendment to reach these cooking compounds, which it is the purpose of this bill to reach. The particular wording of this bill has been given a great deal of thought and study, and in the judgment of the friends of this measure is comprehensive enough to accomplish what we want to accomplish and protect those who should be protected.

Certainly nobody by the wildest stretch of the imagination contends or wants to include under the terms of this bill liquid emulsions, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds. It is impossible to think of any one or all of those things being used by anybody as a substitute for butter.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. CLARKE of New York. And does it not show in the hearings that there was no intention to include any one of these preparations?

Mr. PURNELL. The gentleman is quite correct, and it is further believed that such an amendment if adopted would encourage the already protracted litigation which has resulted from the introduction of these cooking compounds.

I remind the membership of the House that this bill amends a section of the act of August 2, 1886, which is entitled as follows:

An act defining butter, also imposing a tax on and regulating the manufacture, sale, importation, and exportation of oleomargarine.

This is a butter bill, this is an oleomargarine bill.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. PURNELL. Yes.

Mr. JONES of Texas. The gentleman understands, however, that under our Federal decisions the caption of a bill does not control.

Mr. PURNELL. Of course, that is true, but it does indicate the intention of all of us who have had anything to do with this measure, including the Department of Agriculture as well as the Committee on Agriculture.

To make the attitude of the committee clear, let me repeat, the language of this bill has been carefully considered for a long time. To change it would encourage the already protracted litigation which has resulted from the introduction of these colored shortenings. The bill amends a section of the act of August 2, 1886, which is entitled—

An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine.

It is clear that the law as originally passed covers the kindred products of butter and oleomargarine and no other products, and the sponsors of this bill want to make it clear that it is not intended by this measure to bring in any other kinds of product. Certainly it is not intended to cover the peanut butter, liquid emulsions, or fertilizers mentioned by the gentleman from Texas, or any similar products. While we are in accord with the purpose of the amendment offered by the gentleman, we are confident that the bill fully meets that purpose and should not be amended.

I make the foregoing statement in order that the RECORD may clearly show, in so far as I have been able to interpret it, what is intended by those who sponsor this bill. I sincerely hope the amendment offered by the gentlemen from Texas will not be agreed to.

Mr. COCHRAN of Missouri rose.

Mr. JONES of Texas. Mr. Chairman, is the gentleman from Missouri intending to speak to this amendment?

Mr. COCHRAN of Missouri. I am going to speak on the bill.

Mr. JONES of Texas. Will the gentleman let us vote on this amendment first?

Mr. COCHRAN of Missouri. Very well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. JONES of Texas) there were—ayes 69, noes 86.

So the amendment was rejected.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNELL of Rhode Island: After the word "products," on page 2, line 22, add the following paragraph:

"All oleomargarine as defined by the act of August 2, 1886, and the act of May 9, 1902, and as amended herein, including oleomargarine which is free from artificial coloration that causes it to look like butter of any shade of yellow, shall be taxed at 2 cents per pound."

Mr. EATON of Colorado. Mr. Chairman, I have an amendment which I desire to offer.

Mr. PURNELL. Mr. Chairman, I make the point of order to the amendment of the gentleman from Rhode Island.

Mr. O'CONNELL of Rhode Island. Will the gentleman reserve his point of order?

Mr. PURNELL. I reserve the point of order.

Mr. TILSON. Mr. Chairman, as I understand the amendment of the gentleman from Rhode Island, it is to add a new paragraph or section?

The CHAIRMAN. It is.

Mr. TILSON. Will it not be in order to offer other amendments to the pending paragraph before a new one is voted on?

The CHAIRMAN. The Chair thinks it would be in order to do that.

Mr. TILSON. The gentleman from Colorado [Mr. EATON] was on his feet endeavoring to get recognition in order to offer an amendment to the pending section.

The CHAIRMAN. The Chair did not understand the situation. The gentleman from Rhode Island will withhold his amendment for the present.

Mr. O'CONNELL of Rhode Island. Very well.

Mr. EATON of Colorado. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EATON of Colorado: Page 2, line 22, insert after the word "products" the words "nor to pharmaceutical preparations."

Mr. PURNELL. Mr. Chairman, I make the point of order that that matter was disposed of on the amendment offered by the gentleman from Texas [Mr. JONES], which was just voted down.

Mr. EATON of Colorado. Mr. Chairman, I submit that the point of order is not good. My amendment presents only one subject for amendment, namely, pharmaceutical products. And while it is true that that subject was included in the amendment just disposed of, nevertheless, it was but one of several, five or six, subjects included in that amendment. My amendment goes to but one subject, and solely refers to pharmaceutical products.

The CHAIRMAN. The Chair thinks that the amendment is in order.

Mr. EATON of Colorado. Mr. Chairman and members of the committee, I want to answer two points laid down by the gentleman from Indiana [Mr. PURNELL], who preceded me.

It seems to me, notwithstanding his statement, that it is understood that we do not want to cover pharmaceutical preparations in this legislation. While it is said that oleomargarine and butter substitutes are the subject of this bill, nevertheless the words now proposed to be added to the old law refers to all emulsified products, without limitation. This identical bill has been considered recently by several State legislatures. It is the subject of litigation in the Federal court in the State of Colorado, where this law was passed March 26, 1929, with the words submitted in my amendment, "nor to pharmaceutical products," as the last four words of the statute. The litigation was commenced in April and has not yet been finally disposed of, as I am informed.

The pending bill, after using certain words of common use in definition of oleomargarine, then continues in these words:

And all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat, if.

And there is then added by this bill to the two following provisions of the existing law:

(1) Made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter—

The following additional words—

or churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent of common salt.

After this addition to the existing law, the drafters understood perfectly how far-reaching their amendment would go, so they further added two exceptions, over which the proposed law would not operate, namely, puff-pastry shortening and salad or mayonnaise dressings.

If it is proper to except shortening of a particular kind and salad dressings, why is it not just as necessary to except pharmaceutical products?

Whenever you mix any of the oils or fats enumerated with "cream, milk, water, or other liquid" you make a product which contains moisture in excess of 1 per cent. At any rate, practically every preparation of that combination made in a pharmacy, whether made in retail or wholesale quantities, will have more than 1 per cent of moisture. It is unnecessary to cite specific examples.

Do you want every pharmacist in the country, whether large or small, wholesale or retail, to be hereafter required to observe and conform to all of the requirements of this law as you propose it, just the same as if he were manufacturing oleomargarine or any other butter substitute? If you do not, do not you think it wise to so state in this bill?

I do not defer to the gentleman from Indiana [Mr. PURNELL] or to the persons mentioned by him in my ability to read and construe the words under consideration. Nor do I see why he contends that he does not extend the classification when he adds words to the original law which expressly mentioned the semblance to butter or the intention to be sold as butter, as the substance sought to be regulated. And how far does this extension of classification reach? It will extend to all mixtures of the oils and fats mentioned which are—

Churned, emulsified, or mixed in cream, milk, water, or other liquid.

Which, when completed, contains moisture in excess of 1 per cent. Where is the limitation? Not in the title of the bill, for the title is "An act defining butter, and so forth." And this second section now under consideration is one of the paragraphs of definitions. It is not the definition of butter but the definition of all things which shall hereafter be known as "oleomargarine," no matter by what names they are now or hereafter may be called.

Whatever is included in this definitional section will hereafter be the answer to all questions as to what is called "oleomargarine," and no longer will that definition be limited to those substances which are made in imitation of butter or are intended to be sold as or for butter. By the words of the bill, the definition is extended beyond its previous scope, to all mixtures of the oils named if mixed in any way with cream, milk, or water, and we do not stop there but now include such mixtures with any "other liquid," if the result contains moisture in excess of 1 per cent. And they all do and will.

Without pursuing this further, I submit that it is just as necessary to include "pharmaceutical preparations" in the exceptions to this bill as it was to exclude puff-pastry shortening and salad dressing. I do not represent pharmacists or anyone in that line of business. Nor, so far as I know, is there any pharmaceutical factory of any large proportions in my district. But unless you want the druggists, wholesale and retail, to have to bother with the oleomargarine regulations, I think you ought to concede that my amendment should be placed in the bill. [Applause.]

Mr. COCHRAN of Missouri. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Chairman, I am opposed to this bill advanced as a farm-relief measure; first, because it will work a hardship on those who do not have sufficient funds to purchase butter, and also because it will in no way stimulate the sale of butter, but, on the other hand, will mean money in the pockets of those now manufacturing compounds in competition with butter.

The bill seeks to cover under the oleomargarine act certain preparations made of vegetable fat, oleo stearin, water, and so forth, now used in shortenings.

The claim has been made that retailers have advertised some of these compounds as a substitute for butter and that the housewife is being deceived. It is an insult to the housewives of this country to say that when they buy such commodities they are under the impression they are securing butter. The housewife is not so easily fooled. There is not one in a thousand who entertains such an idea. The housewife knows she is not buying butter, and no one regrets more than she does that her funds will not permit her to buy butter.

The working people of this country are the ones who will suffer if this bill becomes a law. They buy the shortenings for their pastry, and it is possible, as the gentleman from Indiana [Mr. PURNELL] states, some use it for a spread on bread, not because they want to but because they are compelled to. I venture to say many farmers to-day are using these products.

That class of people living in the city confronted with the cost of living mounting almost weekly find themselves compelled to deprive their children of many necessities of life enjoyed by the more fortunate, and among them is butter. They just can not pay the price for butter, but when able buy oleo, now taxed 10 cents, and probably when they can not even buy oleo they use the shortening for a spread. Those mothers love their children and it hurts them when they are thus compelled to use shortenings in place of butter. Put a 10-cent tax on shortenings and you will be helping the oleo manufacturers, the big packers, and others engaged in distributing oleo. The poor of the country will pay the 10 cents tax, and it will not result in the sale of an additional pound of butter.

Members who represent the farmers urge Congressmen from city districts to join with you and support legislation that will be beneficial to the farming community. Under the guise of farm relief you plead for the enactment of this bill. You are not justified in so doing, because, as I have pointed out, it will not result in the sale of an additional pound of butter. You simply increase the cost of living to the poor of the large cities and you benefit large interests not the farmers.

You cite the condition of the farmer. Let me say to you times were never so hard in many years as they are at present in the large cities. It would make your heart ache to read

some of the appeals that come from my constituents. A few days ago the House voted aid for the unfortunate people of Porto Rico. Letters were received by me calling my attention to the destitute people in this country. "They should come first," one writer said.

I have been trying very hard to secure information from the Department of Labor in reference to unemployment. I have been told they compile their figures on the volume of employment not unemployment, and I was informed in writing that there are no figures on unemployment and will not be until the returns are in from the forthcoming census.

Since that letter was written I have been reading the "sunshine" statements of the Secretary of Labor, J. J. Davis, as well as others, and I do not see how they can have any dependable figures upon which to base their press statements in view of their letter to me. If they can tell how many men have been put to work, why can they not tell us how many have been and are being laid off?

Then again, what about the natural increase of population, which means each year that hundreds of thousands, new wage earners, just reaching working age, must be taken care of.

It is silly to yell politics when one complains, especially when the Republican Party has always pointed to full employment, high wages, and full dinner pail as the result of their being in control of the Government.

It seems to me that considering the letter I received from the Department of Labor on this subject telling me there are no figures on unemployment, and the press statements coming from the same department, it is apparent the Labor Department is playing politics. They either make statements which are not based on facts in their possession or they are concealing facts.

I think all of us are patriotic enough not to want to do anything that will endanger a revival of industry which may depend on a restoration of confidence.

The Community Courier, published by the Community Council of St. Louis, shows a 61 per cent increase over the number of inquiries for assistance for December, 1929, as compared with December, 1928. The St. Vincent de Paul Society, the Provident Association, and the Jewish Community Center report large increases among the people found to be in distress.

The severe weather visited upon the country this winter has added to this deplorable situation. I mention this to show you that all is not as we would like it among the people of the large cities.

It is upon those people you are placing an additional burden when you place a tax of this character on shortenings. The bill is without merit and should not be passed. [Applause.]

Mr. BURTNESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. BURTNESS. Mr. Chairman and members of the committee, I think a great deal of confusion has arisen in this debate over a very simple proposition. It is a matter that has been explained already, but I believe it will bear and deserves repeating in the interest of clarification.

What does this bill do? All it does is to bring within the statutory definition of oleomargarine certain products which Congress and the public in years gone by have doubtless thought were included within that definition. For 44 years there has been upon the statute books of this country a law providing for the regulation of the sale of so-called oleomargarine and providing a tax of a quarter of 1 cent on a product which is not colored and 10 cents upon a product which is artificially colored to resemble butter. Most of the arguments against this bill are really arguments against all oleomargarine legislation.

You all realize that these compounds exhibited here are not paying that tax to-day, for the simple reason that because of technical language found in the law the courts have construed that they are not within the definition of oleomargarine, but I think every reasonable person will agree that the putting of these products upon the market in competition not only with butter but in competition with other butter substitutes is in reality an evasion of our present law—an evasion in fact and in spirit but until now a legal evasion.

Because of the fact that oleomargarine is manufactured by the packers of this country a great many Members of the House have tried to arouse a feeling of prejudice here by charging that this bill is a packers' bill, and there are apparently some Members of the House who are ready to vote against it because they think it is a packers' bill. Let us, for the sake of the argument, accept the general charge. Let us admit that the product which will be protected to some extent against existing competition is a product of the packer, namely, oleomargarine.

On the other hand, let me ask you what products are used by the packers in producing oleomargarine as compared with the products used in these new compounds. They are products, generally speaking, raised upon the American farm, and I think you know and I know that if the packers can use their by-products—can use beef tallow, can use some lard from pigs—and I say this to you friends from the South—can use some cottonseed oil and some peanut oil in making oleomargarine, the farmer who has cattle or hogs or those products to sell has just that much better chance to get something additional by way of price for them.

Mr. PURNELL. Will the gentleman yield?

Mr. BURTNESS. I yield.

Mr. PURNELL. I would just like to insert in the gentleman's speech at this particular point the fact that last year the manufacturers of oleomargarine used 6,616,645 pounds of peanut oil.

Mr. BURTNESS. The gentleman has anticipated me. I was just coming to that. Let me say to the men from the South who represent districts that produce cottonseed oil and peanut oil that there were between 15,000,000 and 30,000,000 pounds of these newer compounds produced last year, but not more than 20 per cent of the total consisted of cottonseed oil and peanut oil; in other words, probably less than 5,000,000 pounds were used. But turn to oleomargarine and what do you find? We find that in 1927 there were used in the preparation of oleomargarine how many pounds of these products of the Southland?—23,372,354 pounds of cottonseed oil, five times as much as was used of both cottonseed oil and peanut oil in the production of these compounds that are being defended by some.

In the case of peanut oil what do we find? We find 4,872,449 pounds used in the making of oleomargarine, and yet you are not willing that these new compounds should be subjected to the same jurisdiction, to the same tax, and to the same limitations that is now being placed on oleomargarine, which consists of the products you are producing in the South as well as other products raised largely on American farms.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five additional minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from North Dakota may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BURTNESS. How are you going to justify the discrimination which exists under the present law when your peanut oil and your cottonseed oil are now used in oleomargarine to the extent of about 30,000,000 pounds, and that oleomargarine is subject to a tax of a quarter of a cent a pound? Or 10 cents a pound in so far as that portion of it which is artificially colored is concerned? Plain justice demands the approval of this bill to remove that discrimination.

Let me call your attention to another matter. The debate has been proceeding, on the part of the proponents, upon the theory that all of these compounds of necessity become subject to a 10-cent tax under this bill. That is not true at all. If you will turn to the tax section of the present law, what do you find? You find that the tax generally applied is a quarter of 1 per cent, and you find also a tax of 10 cents under certain conditions. What are they? Some say when it is artificially colored, but that is not true. Let me give you the exact words of the law, so no one can charge me with misrepresenting the situation:

> When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow, said tax shall be one-fourth of 1 cent per pound.

The higher tax applies only when the coloring is artificial and in such a way as to cause it to look like butter of any shade of yellow. Now, these compounds can be colored artificially in any color of the rainbow and still pay only one-quarter of a cent per pound upon the passage of this bill, unless colored in the shade of yellow to look like butter. Of course, that is the only color now used in these compounds, yet there are some who think the membership of this House is willing to believe the argument when they try to tell you there is no intention whatsoever to sell them in competition with butter or as a butter substitute.

You can charge me with representing the packers if you like. I do not care if you do. I say it is unfair to compel the packers to pay their manufacturing tax, to compel the wholesalers to pay their tax, to compel the retailers to pay their tax, and to

compel the consumers to pay a tax of a quarter of a cent or 10 cents on oleomargarine under the present definition of the act, and then not compel these new products, sold for the same purpose and used for the identical purpose by the housewives in every place throughout the country, I say it is unfair to let these compounds get by without any regulation whatsoever. This unfairness in turn is reflected to the producers on the farms from whom the packers buy their raw materials, for the packers are the processors of those materials.

And now what about the matter of farm relief in this thing? There may not be a great deal, or as much as we hope, but if there is any farm relief in it, surely the dairy industry to-day is entitled to reasonable and sympathetic consideration at your hands. [Applause.] I have here the figures of the farm price of butterfat on January 1 during the past several years. Let me give them to you. Starting with January 1, 1923, the farm price of butterfat, as given me by the Department of Agriculture, was 47 cents; in January, 1924, 50.6 cents; in January, 1925, 40.6 cents; 1926, 45.2 cents; 1927, 46.9 cents; 1928, 48.5 cents; 1929, 47.6 cents; and on January 1, this year, 36.7 cents.

In other words, 10 cents per pound less during the last month than just a year ago. That means a reduction, in round figures, of from 20 to 25 per cent of the amount received by the farmer for his product, and you know and I know that no industry, whether it be a factory, a farm, a mine, or what not, can cut 25 per cent from the gross price and be able to get along. This cut is not one of profits but one on the gross price and ordinarily results in a price considerably below the cost of production, which spells ruin.

The competition of substitutes has been an important factor in this lowering of price. Surely substitutes of this nature, not as good for the human body, for either children or adults, should be discouraged rather than encouraged. This is especially true when made largely from the products of the Tropics and not grown on American soil. Had the American people during the last year eaten 30,000,000 pounds more of American butter instead of this mixture of 80 per cent coconut oil and other vegetable oils, we would not have seen a 25 per cent reduction in the price of butterfat. This bill will not remove competition but will tend to make it more fair and will in the long run benefit producers and consumers alike.

If you want to be consistent, include these products within the definition of oleomargarine or else repeal all of the oleomargarine acts now on the statute books.

While I do not base my argument on behalf of this bill upon the present low price of butter alone, I did at least want to mention the facts to you as they exist and to point out that there is need now for all reasonable assistance and that it is most appropriate and proper for the Congress to give consideration to that factor in connection with all others. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Colorado [Mr. EATON].

The amendment was rejected.

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

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: On page 2, in line 14, after the figure (3), strike out the balance of section 2 and insert:

"Manufactured products, other than butter, the coloring of which is obtained through the use of any natural or artificial substance."

Mr. LINTHICUM. Mr. Chairman, the object of my amendment, and I shall not take very much time, is to place all products on an equal basis by providing that all manufactured products shall pay the regular tax of 10 cents if they are colored by either artificial or natural means. If they are not colored by either of these means, then it only pays one-fourth of a cent.

This is in line with what I stated the other day. We are asking no favors. We merely ask that the cooking compound be placed on the same basis that oleomargarine, if colored by natural means, is placed.

The cooking-compound people are willing to abide by every law that is in existence so far as their product is concerned, but they do ask, as I said the other day, and as I stress to-day, for a square deal in respect of this legislation.

I believe this bill and the oleomargarine act are both unconstitutional on general principles as being for the purpose of suppressing competition with butter, such objects being accomplished under the guise of a revenue measure, which has been repeatedly condemned.

The bill seeks to extend the definition of oleomargarine by including a vast number of substances not known as articles of food in 1886. The purpose of including these substances is that they may be taxed 10 cents per pound if made to look like butter of any shade of yellow by "artificial coloration." If yellow like butter from any other means they are not taxable except at one-fourth cent per pound.

There is no reason for such a classification, except that it favors the packers who control a naturally yellow oil out of which they all make a butter-yellow oleomargarine which, under this bill, will be taxable at one-fourth cent per pound. Artificial coloration is harmless and is authorized by this law in the manufacture of butter.

Such a classification is arbitrary and unreasonable to such an extent as to make a law basing an enormous tax upon such a distinction unconstitutional, as denying due process of law. This has been clearly held by the Supreme Court. A few instances are:

Judge Anderson in United States *v.* Armstrong (265 Fed. 691) said:

Hence I conclude that an arbitrary classification by Congress is repugnant to the "due process" clause of the fifth amendment. The power to make an arbitrary classification is arbitrary power, and arbitrary power has no place in our system of government. Ours is a government of law, not of men.

* * * The mere fact of classification is not sufficient.

"It must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without any such basis." (Connolly *v.* Union Sewer Pipe Co., 184 U. S. 540, 560, 22 Sup. Ct. 431, 439 (46 L. Ed. 679); Gulf, etc., Ry. Co. *v.* Ellis, 165 U. S. 150, 165, 17 Sup. Ct. 255, 41 L. ed. 666.)

In Gulf C. & S. F. R. Co. *v.* Ellis (165 U. S. 165) the Supreme Court said:

It is apparent that the mere fact of classification is not sufficient to relieve a statute from the reach of the equality clause of the fourteenth amendment, and that in all cases it must appear not only that a classification has been made, but also that it is one based upon some reasonable ground—some difference which bears a just and proper relation to the attempted classification—and is not a mere arbitrary selection.

In United States *v.* Yount (267 Fed. 864) the court said:

In the final analysis, the classification "must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without such basis. * * * Arbitrary selection can never be justified by calling it classification." Connolly *v.* Union Sewer Pipe Co. (184 U. S. 540, 22 Sup. Ct. 431, 46 L. Ed. 679). In other words, no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and in like circumstances.

To avoid this arbitrary, unreasonable, and unconstitutional classification, I therefore offer the amendment just read.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the amendment.

I think only a brief statement is needed to reply to the argument made by the distinguished gentleman from Maryland [Mr. LINTHICUM].

It is not the purpose of this proposed legislation to undertake to remedy the defects that most of us think exist in the whole law, but it is the purpose of this particular amendment to the original act, to take these nut and oil products, emulsified in water, and put them in the same classification in the law that oleomargarine now occupies, and later on, there will undoubtedly be an opportunity for us to take up the whole proposition and endeavor to work out the improvements that seem to be necessary.

Mr. ADKINS. The manufacturers of other cooking compounds are not asking for this privilege, are they?

Mr. KETCHAM. No. The purpose is to meet this particular situation, and later on, undoubtedly, legislation will be proposed in an effort to make the needed readjustments.

Mr. BANKHEAD. Will the gentleman yield for a brief question?

Mr. KETCHAM. For a brief question; yes.

Mr. BANKHEAD. Does not the gentleman concede the soundness and the equity of the proposal submitted by the gentleman from Maryland [Mr. LINTHICUM].

Mr. KETCHAM. Whatever may be the soundness or the equity of it, it seems to me it is not the particular proposition we have in mind.

Mr. BANKHEAD. But we have now an opportunity to pass on the question of its soundness and justness by this amendment.

Mr. KETCHAM. It seems to me the whole proposition, I will say to the gentleman from Alabama, is so vitally important to the dairy interests at this time that we ought not to postpone

consideration for very long, but we ought to take this step now, and then when the Committee on Agriculture has more opportunity to give it consideration, we will take up the whole question.

In the closing minutes of the debate upon this bill there are one or two points which I think deserve at least brief comment and emphasis. First among these I place the fact that the so-called nut-cooking compounds are very largely made up of foreign materials. Those who are appearing here as champions of them are making a fight for the use of these foreign products in competition with our purely domestic dairy products and oleomargarine, which is very much more domestic than the nut products. I would not go so far as to say that these champions are un-American, because that term has a very unpleasant association, but I think it is fair to say that the principal part of the nut compounds they are championing is a non-American product, because at least 85 per cent of the constituent elements of these cooking compounds are imported oils, while a much lesser per cent is domestic.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. KETCHAM. Yes; with pleasure.

Mr. CLARKE of New York. Is not the whole issue involved whether you are for the foreign coconut or for the home-grown dairy cow? [Laughter.]

Mr. KETCHAM. The distinguished gentleman from New York [Mr. CLARKE] has a happy faculty of saying in very few words what it takes a lot of us a much longer time to say. I am sure we all agree that his statement summarizes the argument on this bill briefly and effectively.

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

Mr. KETCHAM. I am sorry, but I have only a couple of minutes and there are two other points I desire to cover.

I want to meet the distinct and sincere challenge laid down by the gentleman from Missouri [Mr. COCHRAN]. I am certain, and very certain, all of us want to meet him more than halfway in doing everything that shall be for the welfare of the people in the cities who are the consumers, but I also say to you, in all good conscience, that I can not imagine any mother, taking this sort of product [indicating nutmargarine] and putting it before her children in the place of the wholesome product of butter, and believing she is doing her children any kindness. If she wants to do something of that kind, and at the same time wants to save a little money, what ought she to do? Why, she ought to get some Crisco that does not have 10 per cent of water added to it and add the coloring herself. She can get water out of the faucet without paying 1 cent for it. The testimony is undisputed, that this nutmargarine contains 10 per cent of water, which adds nothing of value, of course. Water is very cheap, and yet that good housewife, for whom my brother pleads so eloquently, is paying at the rate of 20 cents a pound for water which she herself could draw out of a faucet.

Again I want to assure my colleague [Mr. COCHRAN] of my desire to do everything I can for these children for whom he pleads, but I can not conceive that any mother is doing what is for the health of her children or for the advantage of her pocketbook when she buys nutmargarine for use, either as a cooking compound or as a spread in place of butter.

In the course of the debate repeated reference has been made to the convenience of these cooking compounds in baking, particularly in the pastries. My understanding is that larger amounts of water are required when lard or Crisco is used in pastry than when these nutmargarine products are used. This naturally follows, since 10 per cent of moisture is added to them above that allowed Crisco and similar products. A word of real authority would be timely at this point.

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

Mr. KETCHAM. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

Mr. LINTHICUM. Mr. Chairman, I shall feel obliged to object, unless the gentleman is willing to answer my question.

Mr. KETCHAM. The gentleman understands my declining to yield was on account of lack of time.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for two additional minutes.

There was no objection.

Mr. KETCHAM. Mr. Chairman, I started to say that I wanted to quote high authority upon this point, which I think is a material one in the consideration of this bill. The argument has been made that this is a wholesome article as a cooking compound. In the first place, under a strict interpretation of the law, I do not see how the article can legally be sold as such compound because it contains more than 1 per cent of moisture. It is admitted to be 10 per cent of moisture and is therefore outside of the pale entirely. It is admitted that it contains 10 per cent of moisture, and therefore under the regulations it ought to be put out of the market even if this bill does not pass. In proof of this statement I refer to Inspection Regulations, Department of Agriculture, page 42, paragraph 6, which reads:

> No compounds, lard substitute, lard, or lard compounds shall contain added water.

These nutmargarines have 9 per cent added water.

I now quote from a very high authority mentioned a moment ago, Dr. Louise Stanley, Chief of the Bureau of Home Economics of the United States Department of Agriculture. She says:

> The oleomargarine and nut butters are ordinarily used as substitutes for butter, either as a spread, as a seasoning for vegetables in cooking, or in making cakes or certain types of baked products. In these the added water is, of course, of no particular advantage.

The only advantage is that it enables the gentlemen who manufacture these products to sell water at the rate of 20 cents a pound. [Applause.]

Finally, one last word needs to be spoken in response to the statement of the gentleman from New Jersey [Mr. FORT], who in an argument against the bill the other day made light of the present effect this product could have on the market in view of the relatively small production in contrast with butter and oleomargarine. It must not be forgotten that it is not the actual amount of any competitive product put upon the market that constitutes the competitive danger, it is the possibility of larger production that has the lowering effect upon the market. The mere threat of the competition of Argentine corn depresses the price on our domestic product overnight. Similarly, on the Atlantic coast domestic building materials, such as brick and cement, are kept at a low figure, not so much because of the amount of competition from Belgium but the possibility of such competition if market conditions are advantageous.

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

Mr. McFADDEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, I do not want to take up the time except to express my own belief in this measure. I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, ladies, and gentlemen, there is one phase of this matter not covered in debate which I desire to discuss with you for a few moments. Because of the exceedingly rapid development in the last few years of butter substitutes and butter imitations, and the alarming inroads being made on our legitimate dairying industry, I, as a Representative of a large dairying district in Pennsylvania, should be lax, indeed, if I did not voice my reasons for supporting this bill and present my arguments in favor of this very opportune and necessary amendment. The committee report sets forth very clearly the necessity of expediting the enactment of this highly important measure. I can not urge too strongly the Members of the House to consider seriously the great benefits which will inure not only to those of our constituents who are commercially interested but to the consuming public in general, by the immediate passage of this bill. The crying need for this legislation is, as has been said by previous proponents of the bill, twofold—the regulation and taxation of these more recently manufactured products which compete with the pure dairy foodstuffs, and the protection of our genuine dairy products from the unfair competition, resulting from the extensive manufacturing of these imitating compounds. Let it be well understood that I do not wish in any way to interfere with the manufacture and sale of these cooking compounds provided they are properly and honestly labeled and sold on their face value without a mask, fairly taxed and regulated.

Our greatest industry must be protected from the foreign competitor who is making alarming strides toward this, one of our most important domestic trades. We are not legislating against any section of our country; that is not the intent of this bill. All such arguments have been fairly met by the various Members who have spoken, so I shall not take the time to enlarge upon this phase of the subject. We must protect our own great industries against unfair invasion from other countries upon any of our industries. Especially is this so in the case of coconut oil which is largely used in these margarine compounds. Coconut oil is not produced in the United States, but comes from the Philippines, and although this importation is comparatively small, yet it is enough to lower the price of dairy butter. It has been previously pointed out that the importation of dairy products is now only about 1 per cent of domestic production, nevertheless, in 1927, it amounted to more than 1,000,000,000 pounds. These are rather significant figures. So the use of

coconut oil in making these different butter imitations without proper tax, label, and regulation is the main bone of contention. But even so, this bill properly does not ban these products, but simply seeks to tax, label, and regulate the industry.

Such dairying countries as Denmark, Australia, New Zealand, and Holland must be reckoned with. Only to-day I noticed in a publication dealing with international questions an article on the Dutch margarine trust, which revealed its development and scope. The article to which I refer furnishes proof that such organizations do not confine their activities to the production of margarin but reach out to the manufacturing of oil, soap, and related products. This article tells us of a big merger of English and Dutch interests, and states that according to substantial reports negotiations are under way to include the American Procter & Gamble Co., the well-known manufacturers of P & G and Ivory soaps. It further states that through the combination of a large English concern and certain leading Dutch interests a strong English organization in the field of raw materials has been established. This concern has interests in about 200 companies located in every part of the world. It owns oil, soap, glycerin, potash, and other factories. It participated in different coconut plantations in the South Seas and West Africa. The union of these concerns will cause them undoubtedly more rational production and more efficient system of distribution. A considerable economy in labor and current expenses can be expected. In the year 1928 alone both companies spent more than 20,000,000 guilders on advertising. This trust has an extensive retail organization through the operation of chain stores in different countries. In England it owns the Lipton Stores, the Neale Tea Stores, and the Home and Colonial Stores.

Please note the octopus thus being fostered by these big foreign combines, and think what little chance the dairying interests of our country, as unorganized as they are, will have to meet the kind of competition that will develop either domestically or internationally through this kind of organization, backed as it is with millions of capital. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the amendment was rejected.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "product," page 2, line 2, add a new paragraph, as follows:

"All oleomargarine as defined by the act of August 2, 1886, and the act of May 9, 1902, and as amended herein, including oleomargarine which is free from artificial coloring that causes it to look like butter of any shade of yellow, shall be taxed at 2 cents per pound."

Mr. O'CONNELL of Rhode Island. Mr. Chairman, the original act of August 2, 1886, was referred to the Judiciary Committee of the House and the Judiciary Committee at that time reported that in its opinion the bill was unconstitutional. The Supreme Court of the United States held by a 5 to 4 decision that that act was constitutional because they assumed that it was enacted by virtue of the provisions or authority of section 8 of Article I of the Constitution, and clearly it would have been held to be unconstitutional if the court had thought that anything else was involved but the exercise of the taxing power under the revenue clause of the Constitution.

Now, I want to show that if the real purpose of this bill is to provide revenue, by adopting my amendment you can produce far more revenue than if you allow the bill to stand in its present form. This bill can be sustained only upon the theory that it is calculated and intended to produce revenue.

There are about 7,500,000 pounds of products which the Federal courts of this country have held not to be oleomargarine, by a decision of one of the finest jurists we ever had, Judge Arthur L. Brown, now deceased, of the United States Court for the District of Rhode Island, and by Judge Lowell of the Federal Court of the District of Massachusetts. Also, in the District of Columbia a permanent injunction was granted by the Supreme Court on the ground that one of the products which we are now considering, by enlarging the definition, was not oleomargarine.

There are about 7,500,000 pounds of those products and about 15,000,000 pounds of colored oleomargarine produced annually; that is, artificially colored oleomargarine, which together would make 22,500,000 pounds; and if we got the 10 cents tax on all of that we would receive $2,250,000 per year. But if we take in addition to those two products the 240,000,000 pounds of uncolored oleomargarine, the margarine which is colored but which is free from artificial coloration under this definition, and which, nevertheless, may be just as yellow as any butter, and we tax all of the 262,500,000 pounds at 2 cents a pound, as I propose, our revenue, instead of being $2,250,000, would be $5,250,000, and it would be no hardship or imposition on anyone, manufacturer or consumer.

Is this intended as a revenue measure? It can only be defended and held to be constitutional if it is a revenue measure. All of the discussion that has been had on this measure to this moment shows that the purpose is not to produce revenue but to eliminate competition of one product for the protection of some other industry—a sales tax, and an application of the protective tariff in a way hitherto unheard of, an application of the protective tariff internally against the product of one section of the country, in favor of the product of another section of the country. The proponents of this bill say they want to protect the public from the sale of these substitutes, from products which are of a yellow shade. Let me tell you that in the State of the genial and always courteous chairman of the Committee on Agriculture not one pound of colored oleomargarine of any shade of yellow can be sold under the laws of that State.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNELL of Rhode Island. In the State of Iowa, in the State of Wisconsin, in the State of Pennsylvania, the State of Minnesota, in Montana, and South Dakota, and some of the other Western States not one pound of oleomargarine of any shade of yellow can be sold. Are the gentlemen from those States interested in protecting the public from the sale of these substitutes when not one pound of it can be sold in their own States? Are they interested in the welfare and the health of the people of my State of Rhode Island or the people of New York, West Virginia, or Texas, or any of the other States? No; they are not interested. They know that the people of those States can take care of those matters themselves, but because they can not sell colored oleomargarine in their own States they want to create and force a market in other States of the country. Deception, they say. Deception upon whom? There is no question but that the real purpose of this bill is to eliminate competition. These products are manufactured in Rhode Island, New Jersey, Maryland, Illinois, Missouri, Kansas, and Texas. They are sold in all of those States, and in addition they are sold in Maine, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Indiana, Mississippi, Louisiana, Arkansas, Oklahoma, Nebraska, Colorado, North Dakota, Minnesota, Arizona, and Oregon. Because colored oleomargarine of any shade of yellow can not be sold in certain States they are trying to prevent these cooking compounds and these things they say are substitutes from being sold in other States, so that their product can be sold and must be used in the other States and so that the people would not be permitted to get these cooking compounds at a lower cost.

For that reason, Mr. Chairman, and because this bill originally was held to be a revenue measure and can only be upheld and deemed constitutional on that theory, I submit that my amendment should be agreed to. By placing a 2-cent tax on everything included in the revised definition, which would not be a tremendous hardship or burden on the manufacturers or users of them, you would bring in $3,000,000 more than the present tax of 10 cents, which applies only to artificially colored oleomargarine.

Mr. SNELL. Mr. Chairman, I make the definite point of order against this amendment under the provision of the rules that where a bill proposes to amend a law in one particular, it is a well-established fact that amendments seeking to repeal the law or relating to the terms of the law in general rather than the bill are not germane.

I say to my friend from Rhode Island that I am not opposed to the proposition he offered. I thought of offering it myself, but I looked this up and was entirely convinced that it is not germane at this time. The only proposition before the House at the present time is a proposition to amend the definition of oleomargarine. The amendment of the gentleman from Rhode Island is a proposition to amend the taxing provisions of the oleomargarine act, which is an entirely new subject and relates to the general terms of the law itself, and not to the specific proposal before the House at the present time.

There is a specific decision bearing exactly on this point, but I have not been able to find it at the moment; but when the House had before it a proposition for measuring boats in the Panama Canal Zone and an amendment was offered intended to repeal the charging of all tolls, that amendment was imme-

diately ruled out of order on the ground that it tended to change the general provisions of the act and was not germane to the provision before the House at that time.

I think that is certainly on all fours with the proposition of the gentleman from Rhode Island. The proposition of the gentleman from Rhode Island is not germane to the proposition pending before the House at this time and is subject to a point of order.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I would like to be recognized to speak on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, it seems to me, in answer to the eminent parliamentarian from New York [Mr. SNELL], that the amendment I have offered should be considered as germane in connection with this bill.

I claim that by the adoption of the bill as reported to the House we are taxing products which now pay no tax. Can anyone deny that these new products that are taken in by this enlarged definition will pay a tax? I can tell you what the tax will be, and anyone who understands the bill can tell you what the tax will be. The tax on these new products will be one-fourth cent a pound when not artificially colored, or it will be 10 cents a pound if it is artificially colored within the original definition.

Now, we are placing a tax upon certain products which now pay no tax, and by this bill you certainly and unquestionably propose to impose a tax, and everyone in this House who understands this bill knows what the amount of that tax will be. If you provide that the tax shall be one-quarter of a cent or 10 cents a pound on the products mentioned in this bill, why can not I be permitted to suggest an amendment that instead of one-fourth cent a pound or 10 cents a pound you make the tax 2 cents a pound?

Definitions may be both inclusive and exclusive. In this very bill you have included certain products that did not appear in the original act of August 2, 1886, and as amended in the act of May 9, 1902; and you have gone ahead and inserted a proviso eliminating certain other products. Can anyone say a tax is not imposed by this bill on the products included in the new definition? Is that tax imposed in any other way or in any other piece of legislation except by this bill? No other legislation imposes that tax except this, which clearly makes the tax 10 cents a pound or a quarter of a cent a pound. It is not necessary to reiterate the language of the old bill. I can describe and include the gentleman from Missouri [Mr. ELLIS] without using his name. I can say, "All the Members of the House from the State of Missouri," and that includes Mr. ELLIS. There are various ways of defining things, either by particularizing or by making broad, general statements; and clearly and unquestionably, Mr. Chairman, I say, in conclusion, that by the terms of this bill a tax is imposed, as to which I have suggested a different rate to be imposed upon the articles affected. [Applause.]

The CHAIRMAN. The Chair is ready to rule. On October 1, 1919—Sixty-sixth Congress, first session, RECORD, page 6225; Cannon's Precedents, section 9781—Mr. Frederick C. Hicks, of New York, then Chairman of the Committee of the Whole House on the state of the Union, made the decision to which the gentleman from New York [Mr. SNELL] has referred. In that case the Committee of the Whole was considering a bill amending the provisions of a law providing for the measurement of vessels to determine the tolls to be paid thereon. An amendment was proposed amending the existing law to the extent of repealing the provision dealing with tolls. The Chairman, in ruling on the point of order raised against the amendment, said:

> The bill provides certain rules for the measurement of vessels using the Panama Canal, but it does not provide for the payment of tolls. It merely establishes a standard of measurement for ships going through, and does not prescribe the amount of money which shall be paid by the ships themselves. * * * Therefore, it seems to the Chair that the two subjects, the subject matter of the bill and the subject matter of the amendment are not related, and the Chair sustains the point of order.

The Chair sees a very great similarity between the proposition ruled on by Chairman Hicks and the one presented to the Chair at this time.

The amendment offered by the gentleman from Rhode Island [Mr. O'CONNELL] in effect amends the act of August 2, 1886, but in a different section from that under consideration in this bill. The bill before us amends section 2 of the act of August 2, 1886, which pertains merely to definitions. The amendment offered by the gentleman from Rhode Island seeks to impose a tax. The Chair does not think the amendment germane and sustains the point of order.

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

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. LAGUARDIA: After the word "products," on page 2, line 22, add the following paragraph:
>
> "All oleomargarine as defined by the act of August 2, 1886, and the act of May 9, 1902, as amended shall include oleomargarine that is free from artificial coloration that causes it to look like butter of any shade of yellow."

Mr. LAGUARDIA. Mr. Chairman, I have introduced the amendment for the purpose of giving my distinguished colleague from New York [Mr. SNELL] an opportunity to vote for an amendment which he stated he had in mind to offer, but which he later believed would be contrary to the rule.

My amendment simply extends the definition of oleomargarine, and puts all oleomargarine in one class. It is not subject to the objection raised by the gentleman from New York, for the simple reason that I do not in any way interfere with any other provision not contemplated in the bill now pending before the House.

I also introduce my amendment for the purpose of having a test to-day as to just how far my good friends the farmers want to go in protecting dairy products. We have heard much about this bill being a bill between the American cow and the foreign coconut tree. Now, my amendment would raise the question as between the American cow and the American packer.

Mr. SNELL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. I wish the gentleman would tell me just what his amendment does. I really can not tell, and I am honest in saying that.

Mr. LAGUARDIA. It is very simple, and I thought the gentleman from New York would understand it. It simply does this: Under the existing law oleomargarine which is not artificially colored pays one-quarter of a cent instead of 10 cents, thereby giving a certain advantage to the production of hundreds of millions of pounds of oleomargarine which is not artificially colored.

Mr. BURTNESS. How many pounds?

Mr. LAGUARDIA. Well, how many pounds would the gentleman say it is?

Mr. BRIGHAM. Fifty million pounds.

Mr. LAGUARDIA. Then there is a big difference between my farmer friends. What this does is simply to put all oleomargarine in one class and under my amendment all oleomargarine would pay 10 cents a pound.

Mr. ADKINS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ADKINS. If we should adopt the gentleman's amendment, then, to comply with the law, all natural colored fat that is the color of butter would have to be artificially colored, would it not?

Mr. LAGUARDIA. If it is not butter, of course. I am trying to help this American cow you are talking about so much.

Mr. ADKINS. But the natural colored fat would have to be artificially colored?

Mr. LAGUARDIA. No; because the natural fat has been construed as not being artificially colored and this would bring it within the definition of oleomargarine.

Mr. ADKINS. But it would have to be artificially colored if you did not want to pay the 10-cent tax. It is naturally yellow and you would have to artificially color it to escape the 10-cent tax, and you would be obliged to do that.

Mr. LAGUARDIA. Oh, no. I will state frankly I am opposed to the bill and shall vote against it. My amendment is simply a test to ascertain how far sponsors of this bill will go when the interest of the packers are impaired.

Mr. SNELL. Mr. Chairman, I rise in opposition to the amendment. If there was any sense in the gentleman's amendment, I would be for it, but everybody knows you could not tax all oleomargarine 10 cents a pound. If we could get a provision into this bill under the rules which would place a tax of 2 or 3 cents a pound on oleomargarine, I would support it, and I believe many Members of the House would support it. And, so far as I know, the manufacturers of oleomargarine are not opposed to it. This amendment would not do anything at all, as I read it.

If it really did accomplish anything and put a flat tax of, say, 2 or 3 cents a pound on oleomargarine I think it would receive the support of this House. But the amendment as presented at this time is absolutely meaningless, does not mean anything, and will not do anything for the butter industry or the oleomargarine interests and it should be defeated.

Mr. SLOAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. LAGUARDIA. Mr. Chairman, I object.

Mr. SLOAN. Mr. Chairman, the gentleman from New York comes in as the friend of the American cow. Those interested in this bill are warned against Greeks bearing gifts. The favors offered by the gentleman from New York will be accepted or rejected in the spirit in which they were proffered. But I wonder if his constituents will believe he was speaking in anything but a Pickwickian sense? His constituents devour many million pounds of oleomargarine a year and I wonder how many of them would like to see his measure carried through and a 10-cent per pound tax placed on all oleomargarine? He would not stand in his district in New York and earnestly sponsor a high tax increase on oleomargarine, which is a palatable and nutritious substance that has battled with butter legislatively and congressionally since 1886.

During that time the relations, commercially and otherwise, between oleomargarine and butter have been established, and oleomargarine, once tabooed, is a large factor in commerce and in the home; that those who battled against it many years ago are friendly with it within bound, because the dairies and the feed yards of the Northwest have become the best markets for the principal constituent that used to go into oleomargarine, namely, cottonseed oil. This relation, established for all these years, is threatened by this new competition—the coconut cow. It is unfair to butter and it is unfair to oleomargarine to take from the Orient this coconut without milk in it. We talk a good deal about the milk in the coconut, but the trouble with these products is that there is no milk in the coconut product as there is in the oleomargarine.

Let me tell you, gentlemen of the committee, about farm relief. The largest factor upon which the farm prosperity rests is the milk production of the country. There was $12,000,000,000 worth of such production last year, and here are the factors: Milk products, $2,000,000,000, or one-sixth; hogs, $1,500,000,000, or about one-seventh; cotton, one and one-third billions, about one-eighth; cattle, one and one-sixth billions, or about one-ninth. The farm prosperity of this country rests upon the milk products more than anything else. That should be borne in mind when we are dealing with this unfair competition.

The oleomargarine people are content with the secondary position they occupy.

You may recall that the cattle business, and especially the dairy end of it, received a friendly gesture in this House when a duty was placed upon hides. That was more important to the dairymen than the cattle feeders; because when the cow has finished her great economic function in life there comes the question of the carcass going to market, the hide is always a considerable and frequently the principal factor. The friendly gesture that came from this House is wiped entirely off the slate over in another body.

So I think we should not have the unfair competition for oleomargarine, which contains at least some milk products, none of which we have in this coconut-cow product.

Some of you may have suspected I am a protectionist, and I plead guilty to the fact. I have been opposed to the unfair competition of Denmark and other nations competing with our butter. We have denounced pauper labor competition for farm and factory. A story is told that instead of milking, as is usually done by our sons and daughters or by machines made in our industrial centers, the cocoanut cow is milked by the trained quadrumanians who toss the packages from the tree tops. It makes our opposition to the monkey labor of the Orient stronger than the pauper labor of Europe. [Applause.]

Under extension leave, permit me to acknowledge the graceful compliment paid me by my friend and distinguished colleague, Mr. LINTHICUM, of Maryland, commending my work in bovine tuberculosis eradication legislation during my early service in Congress. I have noted the steady progress of this work in nearly all the States of the Union, and that our example is being followed by foreign nations to the limited extent of their resources. We are far in the lead. Vast economic benefits have risen from this enterprise and the saving of human lives, especially of the babes can hardly be overestimated. Let me say of Congressman LINTHICUM that he zealously collaborated with me and others in bringing about that legislation from the beginning. He was prompted primarily by the humane feature of the legislation. I am glad to say at this time that the chairman of the committee in charge of this bill, able Congressman HAUGEN, fearless and devoted, was then, as now, at the head of the Agriculture Committee, adding year by year to honors richly deserved and to the progress of national agriculture.

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

Mr. SNELL. Mr. Chairman, I move to strike out the last two words.

I have been very much interested in the varied excuses and reasons that different Members of the House have conjured up for not voting for the provisions of this bill.

The only people who should be opposed to the bill are people who are absolutely opposed to any Government inspection, restriction, or regulation of products that are manufactured to imitate some other legitimate product on the market. [Applause.]

This is everything there is to the bill, and if you do not pass the bill at this time you ought to repeal the whole oleomargarine act. [Applause.]

I have been very much interested in the various Members who have told us how honest are the manufacturers of these products. Let us see how honest they are. The whole thing is conceived in iniquity. They start out by coloring the product as nearly as they possibly can the same color as the best creamery butter. What is this done for? This is done to sell it as an imitation or a deception of the real product. What is the next thing these "honest" manufacturers do? They put it up as near as possible to imitate the best possible package of creamery butter. They put it up in cartons, they wrap it up in nice wax paper, and divide it into pounds, half, and quarter pounds. Whoever heard of putting up a legitimate cooking compound in that kind of package? The best-known cooking compounds on the market are lard and Crisco, and instead of coloring them and putting them up to imitate butter, they are sold for exactly what they are, and their snowy whiteness is advertised; they do not need to imitate the color of butter.

The whole thing is an imposition on the American public from beginning to end, and the only people, as I said before, who ought to vote against this are the people who are against the pure food and drugs act, and every other regulatory measure of the Federal Government for the protection of the people.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last three words.

I had not intended to make any further statement upon this proposition, except for the broad, general challenge just laid down to all opponents of this bill by the distinguished gentleman from New York [Mr. SNELL]. I do not know who constituted the gentleman from New York as the official censor of the motives of the Members of this House in undertaking to express an opinion in opposition to the bill.

I am opposed to the bill very largely upon grounds entirely different from those suggested by the gentleman from New York, and the gentleman from New York himself knows and must admit that if a fair proposal is submitted of a tax to be laid against the manufacturers of this so-called colored oleomargarine, the packers of this country, to whatever extent they may produce this article, should, as a matter of justice and equity, have the same penalties imposed upon them that will be imposed upon the manufacturers of this other article under the terms of this proposed law.

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

Mr. BANKHEAD. Yes.

Mr. SNELL. Is there a single word in this whole bill that exempts anyone who manufactures any of these products?

Mr. BANKHEAD. Of course not——

Mr. SNELL. That is what I have said. Let us discuss what is before the House and not what might be before the House.

Mr. BANKHEAD. But we all know what the result of the legislation will be, whether it is expressed in the terms of the bill or not.

The gentleman from New York [Mr. SNELL] is not in a position to deny—because the facts will not sustain him—that the packers who manufacture these same articles by a naturally colored process will be exempt from this taxation. This can not be denied.

So if you want to be fair in this position from the standpoint of equality of taxation, you should have accepted the principle of the amendment offered by the gentleman from Maryland [Mr. LINTHICUM], because that proposed the general proposition that if you want to eliminate this so-called deceptive substitute in competition with butter, you ought to make the terms of the bill apply against all of the manufacturers of the same character of article.

But what is the result of this bill, gentlemen? It is seeking by the process of taxation, in its last analysis, although disguised under the terms of a definition, to give to one particular class of manufacturers of a specific article an advantage that will practically drive out of business a competitor in the same line, and at the same time allow the men or the firm of men who are receiving the benefits of this law to escape the taxation proposed under this bill, and that is not just or equitable taxation.

But my principal objection to this whole proposition, Mr. Chairman, is based upon the broad principle that whatever may have been done in 1886, or whatever may have been done by way of an amendment of the original act, it is a vicious principle of legislation to invoke, under any circumstances, to meet any contingency—the powerful arm of the taxing power of the Federal Constitution to give particular advantage to one group of competitors over another anywhere in this country. This is a principle that can not be justified.

Mr. BURTNESS. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BURTNESS. I take it, then, the gentleman is really in favor of the movement to repeal the entire oleomargarine tax?

Mr. BANKHEAD. I would vote to repeal the whole business upon the statement of that principle. That is what I will say to the gentleman.

Mr. BURTNESS. The gentleman is entirely fair in that.

Mr. BANKHEAD. And if you want to regulate this matter of deception, regulate it under the guise of your pure food and drugs act, where you have ample jurisdiction and where you have constitutional warrant for such character of legislation.

We all know—it is no secret—the genesis and origin of the original oleomargarine law. The gentleman from Virginia [Mr. TUCKER], who served here many years ago, told us something about that the other day. It was vicious in its original conception, because it was invoking the strong method of taxation to regulate competition between two products of this country, one of which, just in its infancy in those days, was seeking to create some competition against hog lard and other animal fats.

Mr. ADKINS. Will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. ADKINS. Does the gentleman think that if the bill passes and the manufacturers leave out the coloring, salt, and water, it will affect them?

Mr. BANKHEAD. I do not care what happens to the bill if everybody is governed by the terms of it.

Mr. ADKINS. But the gentleman has not answered my question.

Mr. BANKHEAD. What is the gentleman's question?

Mr. ADKINS. If the bill passes and these manufacturers referred to leave out the color, the salt, and the water of the cooking compounds, will it affect them?

Mr. BANKHEAD. No; naturally it will not touch them; but if we pass the bill, it will leave the packers who make a preponderant amount of this compound free from the tax, because they have discovered a natural coloring process which they will take advantage of.

Mr. RANKIN. Mr. Chairman, I move to strike out the paragraph.

I did not intend to say anything on this proposition until the challenge was issued by the gentleman from New York [Mr. SNELL] to the effect that all who opposed this measure were opposed to the pure food and drug law. Such a charge, of course, is absurd, and is a poor defense, indeed, for a vote in favor of this bill.

This is one of the most insidious pieces of legislation with which we have had to deal. I represent perhaps the greatest dairying district in the South, and I do not believe the people I represent, the dairymen, would condone any measure like this, which has for its immediate object the destruction of a legitimate product and the ultimate outlawing of other food products made from cottonseed oil and peanut oil.

No one denies that this product is pure and wholesome. It is manufactured exclusively from vegetable oils, which contains no deleterious matter and which are free from all contagious and infectious diseases. Yet you are trying to outlaw it. You tell them by the terms of the bill itself that if they will color it with material made from animal fats they will have to pay a tax of only one-half of 1 cent a pound, but if they color it with vegetable coloring you impose a tax of 10 cents a pound.

Where is the justice in that? You know that the packers have a monopoly on this coloring made from animal fat and that therefore you are outlawing this product, but placing that provision in the bill to protect them. Besides, I am told that these animal colorings are invariably taken from what cattlemen call "canners"—old, poor, run-down cattle, or from hogs that are unfit for any other use. The vegetable coloring which these people are using, as I said, is pure and wholesome, while the animals from which these "fats" are taken may be tubercular or afflicted with cholera, anthrax, or other contagious or infectious diseases.

But the gentleman from New York [Mr. SNELL] says that those of us who refuse to support this measure are opposed to the pure food and drug law. Let us see about that.

You have a bill now before the Agricultural Committee, the same committee that reported this one, in which you are attempting to palm off on the American people corn sugar and permit various and sundry articles of food to be polluted with it without informing the public what it is. Mark what I tell you! The Rules Committee, of which the gentleman from New York [Mr. SNELL] is chairman, will bring out a rule for that bill legalizing the evasion of the pure food and drug law, and the chances are that he will vote for it when it comes to the floor of the House. It seems to be a part of the administration's program of "farm relief." It will relieve the beekeepers of their industry without aiding the corn growers.

Another thing: The gentleman from New York, and others who are supporting this measure, are doing so in order to compel people who use this material to buy dairy products instead, and are using this pretense of the pure food and drug law to sustain their illogical position.

One of the greatest problems before the American people to-day is that of conquering the terrible white plague, tuberculosis. Medical authorities inform us that this dreadful disease is being spread through the use of dairy products from tubercular cows. I have before me the Yearbook of Agriculture, which shows that 9.3 per cent of the cattle in the State of New York are tubercular. One eminent medical authority was quoted on this floor some time ago as saying that in the city of New York 6,000 people contract tuberculosis every year from the use of butter alone. Yet the gentleman from New York [Mr. SNELL] contends that those of us who refuse to support this insidious piece of unjust legislation are opposing the pure food and drug law, while he is supporting the measure; and, of course, in his opinion, supporting the pure food and drug law in order to prevent the poor people in the large cities of this country from securing this wholesome product at a reasonable price and forcing them to buy butter produced by dairy cows affected with tuberculosis to a dangerous degree.

The gentleman from Massachusetts [Mr. TREADWAY] a day or two ago announced that he was supporting this bill because the dairymen of Massachusetts wanted him to do so. This yearbook shows that 13.2 per cent of the cattle in the State of Massachusetts are affected with tuberculosis. No doubt he is upholding the pure food and drug law by keeping this wholesome product from the people in the large cities in his State and compelling them to eat dairy products from cattle that have on an average of more than 13 per cent of tubercular infestation.

Ah, Mr. Chairman, if we are going to carry out this policy of branding or coloring food products made from cottonseed oil and peanut oil in order to try to prevent their use under the pretense of upholding the pure food and drug law, I will tell you what let us do. Let us brand every pound of butter by writing across the label the percentage of tubercular infestation among the cattle in the State from which it comes.

My State of Mississippi has the smallest percentage of tuberculosis among its cattle of any State in the Union. We have only one-half of 1 per cent, while New York has seventeen times that degree of infestation and Massachusetts has twenty-seven times as much. Other surrounding States of the Northeast are affected accordingly. If you would force the branding of dairy products in this manner and informing the world of the tubercular condition of the cattle in the States from which they come, you would simply put the dairymen of many of the Northeastern States out of business, and there would be a greater demand for southern dairy products than our people would be able to supply.

The world is waking up to this fact, and you who have joined in this campaign to outlaw southern agricultural products are going to reap what you have sowed. You are driving our people into the dairying industry. You can not compete with us. We have every advantage under the shining sun, and when the American people learn that our dairy cattle are practically free from tuberculosis while those of other sections of the country are infested to a highly dangerous degree, you will see the South become the leading dairying section of the world, and we may then ask the gentleman from New York [Mr. SNELL] and the gentleman from Massachusetts [Mr. TREADWAY] to join us in compelling dairymen to brand their products, as I have just indicated, in order, as they say, to uphold the pure food and drug law. [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate upon the section and all amendments thereto close in 10 minutes.

Mr. LAGUARDIA. I object.

Mr. HAUGEN. Then, Mr. Chairman, I move that all debate on the section and all amendments thereto close in 10 minutes.

The motion was agreed to.

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

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 2, after line 22, insert: "SEC. 2. *Provided, however,* This act shall not take effect for six months after the date of its passage."

Mr. LINTHICUM. Mr. Chairman, before debating the amendment, which I hope each and every Member on the floor of the House will consider in these few minutes, I wish to say in reference to the gentleman from Nebraska [Mr. SLOAN], who has just addressed the committee, that I have always appreciated his cooperation with me in the eradication of bovine tuberculosis in cattle. When he was in Congress before I was working for the purification of the butter and milk supply by the inspection of the dairies of the country, and laid before the Rules Committee much data showing the great necessity for such legislation to effect the eradication of bovine tuberculosis, and thereby prevent the death and sickness of so many children of the land.

It was Mr. SLOAN who at that time realized the importance of legislation for this purpose. He had made a study of the subject, not only in this country but abroad. He thereupon proceeded to accomplish this result by the purification of the cattle of the country. He it was who, through his instrumentality and the aid of his colleagues on the committee, obtained the first appropriation of $500,000 for this purpose. The appropriation for this year for the eradication of bovine tuberculosis has reached the large sum of $5,500,000 direct appropriation, together with $690,000 unexpended balance.

Through these appropriations inaugurated by the gentleman from Nebraska, wonderful results have been obtained. He has helped humanity by the prevention of sickness and death in thousands of instances. [Applause.] I am sorry to hear that there are still affected 9 per cent of the cattle of the great State of New York, represented in part by the distinguished gentleman [Mr. SNELL]. I trust he will soon get busy and rectify this great danger to the children of our country. Perhaps he will also help us to get a square deal in the taxation of all food products giving an equal opportunity to all.

Mr. Chairman, it seems the House is determined to pass this bill, and my amendment simply asks that you give us six months before it takes effect. That is all the amendment does. In that way we can clear the deck.

Mr. HAUGEN. Mr. Chairman, the amendment seems just and fair, and as only six months are asked, I think it will be satisfactory to the other members of the committee.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman from Maryland yield?

Mr. LINTHICUM. Yes.

Mr. CHINDBLOM. I suggest that the section should not be in the nature of a proviso.

Mr. LINTHICUM. I should be very glad to have the gentleman amend it.

Mr. CHINDBLOM. Then, Mr. Chairman, I ask unanimous consent that the Clerk again report the amendment, eliminating the proviso feature of it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment as suggested.

The Clerk read as follows:

Page 2, after line 22, insert a new section, as follows:

"SEC. 2. This act shall not take effect for six months after the date of its passage."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I have a preferential motion. I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from New York moves to strike out the enacting clause. The Chair recognizes the gentleman from New York for five minutes.

Mr. LAGUARDIA. Mr. Chairman, this is the proper time, I think, to call the attention of the House to the procedure and to the debate on this bill.

First, let the RECORD show that this bill was considered in the Committee on Agriculture of the House and reported by that committee. Second, let it show that the Committee on Ways and Means of the House is the committee which has jurisdiction of all matters of revenue and taxation. Third, let it show that it has been conceded here by Members in support of this bill that this bill is purely a regulatory measure, and nothing else.

The distinguished gentleman from New York [Mr. SNELL], chairman of the Committee on Rules, frankly stated only a few moments ago that anyone who was not in favor of regulating imitations of butter could not support the bill. The entire argument, which has lasted for some time, both in general debate and debate under the 5-minute rule, has been devoted to the question of regulating imitation butter.

No case has been made out either by the committee or by the sponsors of this bill to prove that it is a revenue measure. That is your record at this time. You can not escape it.

Now, the distinguished chairman of the Committee on Agriculture has just moved, and the House has adopted his motion, to close debate in 10 minutes. The case made in support of this bill is entirely on facts indicating clearly and without any doubt that the purpose sought is regulation and prevention of the sale of oleomargarine and not for the purpose of raising revenue. The sole purpose of the bill is to prevent competition with genuine butter. Not one fact or figure in justification has been given to sustain it as a revenue measure.

That is the fact, gentlemen. You can not get away from it now. I repeat, the last admission made by speakers only a few moments ago takes it entirely out of the class of revenue bills and places it definitely as a regulatory measure. [Applause.]

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. CLARKE of New York. Was not exactly the same question raised on the oleomargarine law, and was it not carried into the higher courts and there sustained?

Mr. LAGUARDIA. The law clearly sets forth the limit to which you could go. Now you are going beyond that limit, and you have not justified this bill as a revenue measure, and you can not sustain it at this late hour as a revenue bill.

With that, Mr. Chairman, I yield back the balance of my time. [Applause.]

Mr. PURNELL. Mr. Chairman, I ask unanimous consent that the amendment proposed by the gentleman from Maryland be modified so as to be stated in the affirmative rather than in the negative. The gentleman from Maryland, as I understand, has no objection to that.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, the gentleman in his new section provides that this act shall take effect six months after its enactment.

The CHAIRMAN. The gentleman from Indiana desires that the action taken on the amendment be vacated, and that the amendment be made to read in the following form.

Mr. SCHAFER of Wisconsin. Mr. Chairman, does that involve the vacation of the action taken limiting the debate?

The CHAIRMAN. No. The Clerk will report the modified form of the amendment offered by the gentleman from Maryland [Mr. LINTHICUM].

The Clerk read as follows:

After line 22, insert a new section, as follows:

"SEC. 3. This act shall take effect six months after the date of its enactment."

Mr. LAGUARDIA. Does the gentleman from Indiana want it to read "passage" or "approval"?

Mr. PURNELL. "Approval."

Mr. LINTHICUM. Mr. Chairman, I considered that question of "passage" or "approval." Some acts become acts without Executive approval. I have known tariff bills to become laws without the President's approval. What I want is to provide that the act shall not become effective until six months after its enactment.

The CHAIRMAN. The question before the House is, Shall the motion by which the new section was adopted be vacated and the section be again reported in the amended form? Is there objection to the request of the gentleman from Indiana?

Mr. SCHAFER of Wisconsin. I object, Mr. Chairman, unless we are going to have opportunity to debate the section as amended.

The CHAIRMAN. Objection is heard. The question is on agreeing to the motion of the gentleman from New York [Mr. LAGUARDIA] to strike out the enacting clause.

The question was taken, and the motion was rejected.

Mr. O'CONNELL of Rhode Island. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Rhode Island offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNELL of Rhode Island: After line 22 add the following new section:

"SEC. —. All oleomargarine, as defined by the act of August 2, 1886, and the act of May 9, 1902, and as amended herein, including oleomargarine which is free from artificial coloration that causes it to look like butter of any shade of yellow, shall be taxed at 10 cents per pound, when made from or containing oils or other products, in excess of 10 per cent, by weight, not originating in the continental United States."

Mr. PURNELL. Mr. Chairman, I make a point of order against the amendment.

Mr. O'CONNELL of Rhode Island. Will the gentleman withhold his point of order?

Mr. PURNELL. I will withhold it.

Mr. O'CONNELL of Rhode Island. I regret that I can not agree on this bill with my genial and distinguished colleague from Michigan [Mr. KETCHAM] who has so many friends and ardent admirers in my own State, particularly among the members of the Grange, in which I also have the privilege of membership; but upon this particular measure our views appear to be widely divergent.

Mr. Chairman, I assume, inasmuch as the previous amendment has been held out of order, that this amendment may possibly be held out of order, too. The proponents of this bill have been inveighing against the use of coconut oil and shouting for the American cow. In view of that fact I am constrained to remark that if they are not willing to accept this amendment, which imposes a tax of 10 cents a pound, when there is an excess of 10 per cent by weight, of oils originating outside of the continental United States, that in my opinion their protestation of loyalty to the American cow is just a lot of bull. [Laughter.]

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. PURNELL. I do.

The CHAIRMAN. The point of order is sustained.

Mr. PURNELL. Mr. Chairman, I renew my request to which objection was made by the gentleman from Wisconsin, namely—that the previous action on the adoption of the new section be vacated.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to vacate the procedure by which section 2 was adopted in its present form and present and adopt a modified amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. LINTHICUM: Page 2, after line 22, insert a new section, as follows:

"SEC. 2. This act shall take effect six months after the date of its enactment."

The amendment was agreed to.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. The question, therefore, is on agreeing to the amendments. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 245, noes 74.

So the bill was passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

PROHIBITION REORGANIZATION

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 142, a privileged resolution.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read the resolution, as follows:

House Resolution 142

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8574, a bill to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, House Resolution 142 provides for the consideration of H. R. 8574, which is the first of the pieces of general legislation sent to the House by the President of the United States which have for their purpose the more efficient enforcement of the prohibition act.

This resolution allows four hours of general debate, which I think will be ample time in which to discuss all the provisions of the bill.

The main object of the bill is to transfer the enforcement machinery in the Bureau of Prohibition from the Treasury Department to the Department of Justice. That is the only real, definite object of the bill. Of course, the Government's activities in connection with the general prohibition act are largely confined to the detection of crime, the preparation of the evidence, and the trial of the cases. Under the present provisions the authority is now divided. The Treasury Department has to do with the detection of the crimes and the preparation of the cases, but the real trial is carried on and supervised by the Department of Justice. So there is a divided authority, and not a concentrated authority, so far as the general carrying out of the act is concerned. This bill provides for a Department of Prohibition in the Department of Justice, with a Director of Prohibition to be appointed by the Attorney General, and also the various lawyers. The clerical force and the general force that at the present time is in the Treasury Department in connection with the enforcement of this law will be transferred to the Department of Justice, and that force will remain under the civil service as at present.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. O'CONNELL of New York. Does that include the commissioner, too?

Mr. SNELL. It does not include the commissioner or the lawyers themselves. All of the duties, rights, and powers that at the present time are now in the Treasury Department will be transferred to the Department of Justice, the only exception being the permit division, which will remain in the Treasury Department.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WILLIAM E. HULL. Does this include the field agents?

Mr. SNELL. All of them. The permit section will still remain in the Treasury Department, but it will have dual supervision.

The Secretary of the Treasury will be obliged to furnish to the Department of Justice the names of all the people who at the present time have permits for industrial alcohol. As a matter of fact, as to 90 or 95 per cent of all these people, there is no question as to whether they should have the permit or not, but when it comes down to the last 5 or 10 per cent, where there is some question, it will be absolutely necessary to have

the approval of both the Secretary of the Treasury and the Attorney General. To this extent there is dual authority under the proposed act, but otherwise the whole thing is transferred to the Department of Justice, and it is expected this will make for a more efficient enforcement of the entire act.

Mr. LAGUARDIA. Will the gentleman yield right there?

Mr. SNELL. Yes.

Mr. LAGUARDIA. Does the gentleman know whether the proposal with respect to industrial alcohol and its so-called dual control was on the recommendation of the sponsors of the bill or the administration or wherever it came from?

Mr. SNELL. I can not tell the gentleman who brought that up, but I know it is agreeable to both departments at the present time.

I simply want to call the attention of the House to the fact that this bill in no way changes substantive law. The only proposition before the House at this time is the transfer of this enforcement machinery. The general wet and dry proposition is not here at all. It has nothing whatever to do with the matter, and the only question is whether you want to transfer this enforcement machinery from the Department of the Treasury to the Department of Justice.

Mr. GREEN. Will the gentleman yield?

Mr. SNELL. I yield to the gentleman.

Mr. GREEN. I wonder if the gentleman is advised as to why they left the permit section under the Secretary of the Treasury.

Mr. SNELL. I just answered that.

Mr. BURTNESS. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BURTNESS. In view of the gentleman's statement I am wondering by what method they expect to enforce the rule if the general prohibition question is not involved. I refer to the provision in the rule which confines general debate to the bill.

Mr. SNELL. Of course, I expect the Members will wander somewhat into the general proposition of prohibition, but as a matter of fact the general question of prohibition is not involved here.

Mr. BURTNESS. I was wondering whether the Sergeant at Arms was to be called upon to enforce that provision of the rule. [Laughter.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LINTHICUM. I shall not oppose this bill, but I would like to ask the gentleman what reasons were given for this transfer from the Treasury Department to the Department of Justice, if the gentleman has them in mind?

Mr. SNELL. The principal reason was to concentrate authority at one place so there would be no question of shifting responsibility or saying that this man did not prepare the case right or that some man did not get the evidence right or that they did not try the case right. The whole authority under this bill will be concentrated in the Attorney General, and the enforcement of the act will be up to him.

Mr. LINTHICUM. Does not the gentleman think that it is a rather dangerous policy generally to have the department that is going to try these people to also have all the machinery for running them down and determining in advance whether they are guilty or not?

Mr. SNELL. The present gentleman does not think so. He thinks that is just what ought to be done.

Mr. LINTHICUM. The gentleman thinks it is a good thing to transfer it and that this is a good bill?

Mr. SNELL. I think it is or I would not present it here.

Mr. LINTHICUM. I am not sure about that.

Mr. SNELL. I did not say that so far as the gentleman is concerned but so far as I am concerned.

Mr. LAGUARDIA. Is not the purpose of this change to bring about better conditions because the present system is unsatisfactory so far as enforcement is concerned?

Mr. SNELL. I did not quite say that. I said in my judgment this would make for better enforcement of the act, and that is as far as I am going in admitting anything at the present time.

Mr. LAGUARDIA. The gentleman admits a great deal.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WILLIAM E. HULL. I have had a number of telegrams from wholesale druggists objecting to this bill on account of the permit system involved. If the Attorney General should oppose a permit, is that final or can the Treasury Department issue a permit under such circumstances?

Mr. SNELL. It is absolutely necessary to have the approval of both the Secretary of the Treasury and the Attorney General in order to get a permit.

Mr. WILLIAM E. HULL. If they should not agree, what would happen to the wholesale druggist?

Mr. SNELL. Under the provisions of the bill there would be no permit issued.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WILLIAMSON. They have the right of appeal, of course, to a court of equity.

Mr. SNELL. Yes.

Mr. WILLIAM E. HULL. The wholesale drug trade have evidently objected to this bill on the ground they thought they would probably be jeopardized more or less in securing the necessary alcohol to run their business and that is the reason I am asking these questions, and from the gentleman who will sponsor the bill I would like to know how a man in the wholesale drug business would get alcohol if the Attorney General should object to it, although he is a legitimate wholesale druggist and is now obtaining alcohol through a permit of the Treasury Department.

Mr. WILLIAMSON. The relief he would have is exactly the same relief he has now in case of an adverse decision by the Secretary of the Treasury. Under the existing law he has the right of appeal to a court of equity and under this bill he will have that same right.

Mr. WILLIAM E. HULL. The information I would like to get from the gentleman, if I can, is this: If a man is in the wholesale drug business and uses alcohol for his different proprietary medicines and one of the inspectors from the Attorney General's office should go in and find some irregularity as to some small matter in connection with a certain proprietary medicine and should report that to the Attorney General, would that give the Attorney General full authority to stop the wholesale druggist from buying his alcohol for other purposes? That is what I am trying to get at.

Mr. WILLIAMSON. As a matter of practice, this is about what will be the result: The Secretary of the Treasury and Attorney General will set aside, say, 75 per cent, of all permittees whose applications will be passed upon by the Secretary of the Treasury without being referred to the Attorney General. Only those that have come under suspicion will be transmitted to the desk of the Attorney General. As to these his consent is required.

Mr. WILLIAM E. HULL. That is not in the bill; in other words, there is nothing in the bill that says that there will be 75 per cent.

Mr. SNELL. Oh, no; nothing in the bill.

Mr. WILLIAM E. HULL. Why not put it in the bill?

Mr. SNELL. Because it is not necessary.

Mr. COLTON. Will the gentleman yield to me?

Mr. SNELL. I yield.

Mr. COLTON. In answer to the gentleman from Illinois, the company which is refused a permit will have exactly the same rights after this bill becomes a law that it now has. If the Treasury Department refuses to give him a permit he may appeal to the court, and this does not deprive him of that right.

Mr. WILLIAM E. HULL. The only difference is you are putting the permission in the hands of the prosecuting agency, whereas now it is in the Treasury Department.

Mr. SNELL. The bill has the unanimous approval of the Rules Committee; it is a unanimous report.

I now yield 10 minutes of my time to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker and gentlemen, it is true, as the chairman of the Committee on Rules has said, that this resolution comes with a unanimous report from the Committee on Rules. There is no division so far as the consideration of the rule is concerned. As has been stated, this proposed legislation transfers to the Department of Justice the enforcement of the prohibition law. I suppose that all concede that any change would make for better enforcement. So far as the minority of the Committee on Rules is concerned, there was no division as to the vote upon the rule itself. I reserve the remainder of my time, and yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker and gentlemen of the House, I am opposed to this bill because it gives the entire control over the legitimate uses of medicinal spirits, wines, and liquors to both the Secretary of the Treasury and the Attorney General. I am of that school in this House which believes that prohibition has failed and will ever fail, no matter what we attempt to do.

I conceive that this bill is merely a sop to the drys. The Secretary of the Treasury has been the target for a great deal of their abuse, and he has been set aside and made a scapegoat for all the ills of prohibition.

Now, here is brought forward a bill that will take away from him most of his prohibition powers. But lacking the courage to take all of them away, and in order to satisfy some of the friends of the Treasury Department, you leave him with a modicum of power. Those prohibition-enforcement powers of which you strip the Secretary of the Treasury were originally lodged with the Commissioner of Internal Revenue. He was sacrificed by the drys upon the altar of prohibition. He was bitterly assailed as is Mr. Mellon now. He was made the scapegoat then. To satisfy the drys, always looking for an excuse for failure of prohibition, he was sacrificed. His powers were given to the Treasury Department. Now, the process is repeated. The farce of finding a victim is again before us. This time Mr. Mellon is the victim. After a while I suppose another transfer will be made and another victim found. Next time, I suppose, they will transfer these powers to the Bureau of Indian Affairs.

Why did you not go all the way and leave to the Attorney General all the powers with reference to alcohol, wines, and liquors? You were afraid to do that.

I am opposed, nevertheless, to your leaving with the Attorney General's office, as at present constituted, these powers, partly in view of what Mr. Mitchell has recently said. Mr. Mitchell has had the temerity to say only a week ago that he was not going to tolerate in his office or have under him, as the United States attorneys, marshals, clerks, or bailiffs, a man or woman, for that matter, who did not see eye for eye on the principle of prohibition; that is, any individual who has any views in any way contrary to the approval of the abstract principle of prohibition, and the enforcement of the eighteenth amendment and Volstead Act, off would go his or her head. No one under Mitchell can ever think the way he wants. He loses his job if he does not believe in prohibition. Mitchell would regiment the minds of all his employees. Free speech and right to petition against a wrong mean nothing to him. That right does not belong to anyone in the Department of Justice.

That smacks of fanaticism. I may not believe in the income tax; I may not fancy the antitrust law, the Sherman Act; I may have voted against the oleomargarine act; I may have voted against the fence bill which we passed yesterday, and there may be many men in the House who feel the same way on these measures, and yet I and these men might still become good officials of the Government. A man is a spineless jellyfish who would remain in the Department of Justice after what Mitchell has said, and still be opposed to prohibition. There must be many such in the department. None have resigned. None have complained even.

Any man who goes to that extreme can not be trusted with the proper and legitimate functions of enforcement of the Volstead Act. I do not want to trust to that type of individual the granting or withholding permits to large industrial-alcohol concerns, large drug houses, manufacturing chemists, rayon producers, manufacturers of explosives, and dyes and paints, and other legitimate merchants and producers. They fear Mitchell like the plague.

What is to prevent Mitchell from saying to a manufacturing chemist, "Unless you believe in prohibition you will not get a permit." That is just as logical—just as foolish—as requiring all his employees to believe in prohibition. That is why I am opposed to this bill. I have received numerous telegrams from large drug houses in the country who have never been accused of any violations and upon whose business escutcheons there are no blots, who have conducted themselves and their establishments in a scrupulously honest manner and in the most law-abiding fashion. We have to safeguard their rights. In view of his known attitude on prohibition, fanatical as it is, they fear to have the Attorney General have the power to say yes or no upon a basic permit application or upon the question of the quantity of alcohol they may be permitted to take out of the warehouses.

This permit system is a very intricate system, and I am of opinion that very few Members of the House have ever taken the trouble to go through all of the ramifications involved in these permits. The regulations relative thereto cover hundreds of pages. Upon these regulations rests the whole structure of the industrial-alcohol, medicinal-spirit, and sacramental-wine business. A rabid dry shall now tinker with these regulations and, perhaps, seriously interfere with a legal business.

Many of you gentlemen must have in your districts a large number of drug houses and concerns that use industrial alcohol, because alcohol is used in thousands of cases in a legitimate way, and you ought to take it upon yourselves to see how difficult it is for a man to get a basic permit, and then to get a permit to withdraw the various alcohols, wines, and liquors legitimately to be used from the different warehouses. There is difficulty enough surrounding that operation; but when a man of the type of Mr. Mitchell takes hold he is going to make it far more difficult for these men to conduct their business. For that reason they have poured forth letters into the offices of Members of the House, most of them in opposition to this transfer, and that is why I oppose this rule. I hope the rule will not prevail; but if it does, I hope the bill will be defeated.

Mr. SNELL. Mr. Speaker, I yield two minutes to the gentleman from Arkansas.

Mr. RAGON. Mr. Speaker, I take this time in order to see if I can get some clarification of the application of the present bill to the permits for alcohol to wholesale drug houses. I was not present while the colloquy was going on between the gentleman from Illinois [Mr. WILLIAM E. HULL] and the chairman of the committee a moment ago. For instance, I have received a letter from the McKesson-Lincoln Co., wholesale druggists in Little Rock, Ark. As I understand it, when this drug company makes application for a permit for the use of alcohol, then by the operation of the proposed law, or by some rule, that application has to lie before the Treasury Department for a period of 10 days. Is that correct?

Mr. SNELL. It may lie before the Department of Justice for 10 days after it has been accepted by the Treasury Department, but it is not obligatory.

Mr. RAGON. Then it has to lie first for 10 days before the Treasury Department, and for 10 days before the Department of Justice?

Mr. SNELL. Only in special cases where there is some question of doubt. There is no desire on the part of anyone to interfere with legitimate drug manufacturers, but the people who are not entirely legitimate in their use of alcohol are going to have perhaps more trouble than they have had before, and they ought to have. The honest-to-God manufacturer is not going to have any difficulty in getting his alcohol.

Mr. RAGON. Let me read this letter:

LITTLE ROCK, ARK., *February 3, 1930.*

Hon. HEARTSILL RAGON, M. C.,
Washington, D. C.

DEAR SIR: Referring to your kind telegram just received. The Williamson bill as we understand it places prohibition enforcement in the Treasury Department and the Department of Justice. And any application for permit to purchase or application of any nature is referred by the Treasury Department to the Department of Justice and must be withheld 10 days before approval.

At the present time it takes us 10 days to get an order through for alcohol to be used in the manufacture of tinctures, and an additional delay of 10 days would work a real hardship as we would be unable to manufacture spirits of camphor or paregoric, for instance, on account of being without alcohol.

We favor enforcement under the Department of Justice and are not concerned with the police arrangement, but are concerned with orderly business procedure and favor the permissive authority in the Treasury Department as at present in order to avoid any further delay to approval of permits. This delay and handling of permits by both departments will be a real handicap without any additional safeguard, and we can not make our opposition too emphatic.

Trusting that we have made our position clear, and that you will use your influence against this, we are

Yours very truly,

MCKESSON-LINCOLN CO.,
O. M. SAYGLEY.

Mr. SNELL. As a matter of fact, if there is any emergency, the Department of Justice can put the permit through in an hour after it gets there.

Mr. RAGON. I am in favor of making the transfer as proposed by this bill, as far as that is concerned, and this drug company are as strong prohibitionists I suppose as anyone, but it does seem to me that in the case of wholesale druggists we should expedite if possible the actions by which they may procure this alcohol rather than delay.

Mr. SNELL. You take the real genuine wholesale druggists about whom there never has been any suspicion that they are using the alcohol they get for illegal purposes, the probability is that their permit will go through without even the approval of the Department of Justice; but this is an effort to reach the people about whom there is some doubt. The charge has been made on this floor time and time again that more alcohol gets out into illegal consumption by the people from the industrial alcohol sources than in any other way, and that that is one of the principal sources of supply being used throughout the country for illegal purposes. It is intended to close up this avenue and make it as hard as possible to get alcohol for those people who have abused the privilege.

Mr. RAGON. We hear these charges, and the gentleman believes about as many of them as I do. I do not think any

such charge as that could be laid generally to the wholesale druggists.

Mr. SNELL. I am not laying it to any special class, but those charges are general, and I think I can say that I believe a good deal of alcohol is getting out in that way. I have no specific cases in mind, but generally I believe it is true.

Mr. RAGON. If this will permit them to get it as quickly as they get it now, well and good; but if it makes for further delay, then a serious question is raised in my mind.

Mr. SNELL. It does not operate for delay for the man who has legitimate use for it.

Mr. CRISP. Is it not the intention that about 25 per cent of the applications for alcohol permits will have to have the approval of both the Secretary of the Treasury and the Attorney General, that being about the amount about whose legitimate use of alcohol there is some question?

Mr. SNELL. Yes.

Mr. CRISP. And is it not also the fact that a legitimate wholesale drug house dealing with alcohol in a legitimate way always has a record of its stock on hand and they know the usual consumption, and if the stock is running low it can make application for a permit in sufficient time to get the alcohol, even if the application does lie 10 days at the Treasury Department and 10 additional days at the Department of Justice?

Mr. HUDSON. The gentleman from Georgia intimates that it may be 10 days in each department. The bill does not require that; it is only 10 days.

Mr. CRISP. I have not studied the bill, but I have made my remarks based on the colloquy here; but even assembling it does take more than 10 days, it is not going to interfere with a legitimate drug house, because it will make its application in sufficient time.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PROHIBITION ENFORCEMENT

Mr. WILLIAMSON. 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. 8574.

The SPEAKER. The gentleman from South Dakota moves 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. 8574.

The motion was agreed to.

The SPEAKER. The gentleman from Michigan [Mr. HOOPER] will kindly take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8574, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8574, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau for prohibition in the Department of Justice, and for other purposes.

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

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from South Dakota is recognized for two hours, under the rule that was adopted.

Mr. WILLIAMSON. Mr. Chairman and ladies and gentlemen of the committee, the most difficult problem that confronts the Chief Executive of the Nation to-day is the enforcement of prohibition. Important States have repealed their enforcement statutes and refuse to cooperate in the efforts made by the Federal Government to secure obedience to the eighteenth amendment. A considerable body of men of position and influence are openly preaching the doctrine of nullification. Nullification is closely akin to rebellion, and rebellion means war.

Nothing is to be gained by the weasel doctrine that those who like their brew can brew it at home. That preachment is a clear evasion of the whole purpose and intent of the Constitution and the national prohibition act. Its advocates have either neglected to read the law or failed to grasp its meaning. The very purpose of prohibition not only was to stop the manufacture and sale of intoxicants but to prohibit their use the moment that stocks in private homes became exhausted. In a word, the eighteenth amendment was intended to make the Nation bone dry, so far as that can be realized with respect to anything prohibited.

To make it such is the task that faces the President. It confronts every official charged with law enforcement. To aid in its realization is the duty of every law-abiding citizen.

No law has ever been enacted placing a restraint upon the conduct of human beings that all men have approved. Its very source lies in inhibition. It is the first concomitant of civilization. So fundamental is ordered obedience to duly enacted laws that no government can long survive large-scale violations of enactments in which a considerable majority of the people show a deep personal interest. Continued and extensive violations of such a law inevitably lead to violence and destruction of life and property. It follows that government must use every means at its disposal to secure observance of whatever laws are placed upon its books or run the chance that all laws will come to be regarded with contempt. When contempt for all law becomes general, government is at an end. Chaos and anarchy follow.

Because this is so, it becomes our duty as legislators to so organize and consolidate our enforcement structure as to give it the maximum of efficiency. The bill now under consideration seeks to contribute to that end.

The existing organization for the enforcement of prohibition is an anomaly in that it divides the enforcement machinery that has been built up for the enforcement of a law to which there is widespread resistance. No objection can be raised to leaving the detection of crime that may occur in a department of the Government to the department head where violations are few and particularly where their detection requires technical knowledge of a specialized type. Delinquencies of postmasters are best discovered by expert inspector accountants, and detection of failure to comply with a chemical formula would better be left to the expert chemists and laboratories in the administrative division having to do with the issuance of permits for the use of medicinal and industrial alcohol; but detection of diversion, illegal stills, manufacture of alcoholic concoctions for beverage purposes, and possession, transportation, or sale of intoxicants is quite beyond the purpose and scope of the Treasury Department, which is primarily a fiscal agency.

On the other hand, the Department of Justice should not be so loaded down with purely administrative matters that it will not be able to properly function as a law-enforcing agency. This is, and should remain, its primary function. In reorganizing Government activities with a view to greater efficiency we should not be controlled or swayed by our dislike of the personnel that may be in charge at any particular time. Such an attitude will lead us into an endless morass of incongruities that will be destructive of sound legislation and good government.

In drafting the bill providing for the transfer of the enforcement division of the Bureau of Prohibition to the Department of Justice we have endeavored to carry out the principles to which I have just called attention.

I wish now, as briefly as possible, to call your attention to the provisions of the bill in order to give you as clear an understanding as possible of what the bill will do should it become law.

Primarily it transfers the enforcement activities of the Bureau of Prohibition, now in the Treasury Department, to the Department of Justice. The personnel of the present Bureau of Prohibition will be transferred without change in classification or pay and will remain in the civil service as now.

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

Mr. WILLIAMSON. Yes.

Mr. BLACK. Would that apply to prohibition agents? Shall those now in the service be permitted to continue?

Mr. WILLIAMSON. I can see no objection to their continuing—and that is the intention. The only ones taken out from the civil service are the attorneys who may be transferred from the enforcement bureau to the Department of Justice. Such other attorneys as may be needed will be appointed by the Attorney General without regard to the civil-service regulations.

The reason why we exempted the attorneys from the civil-service regulations was because it was thought to be inadvisable and unwise to have two classes of attorneys in the same service. At the present time no attorneys in the Department of Justice are within the civil service. All of them are selected without reference to the civil-service rules.

The Attorney General in appearing before the committee took the position that he could organize a better force and secure men better equipped for the special work they will have to do in the Department of Justice if he were given a free hand in their selection, and we deferred to his judgment in this respect.

All the attorneys, however, will be classified and paid under the provisions of the civil service classification act of 1923. The director of the new bureau and his assistant are also appointed outside of the classified service.

All records and files now in the Bureau of the Treasury will be transferred to the Department of Justice, and will be used for the same purposes that they are now used for in the Bureau of Prohibition in the Treasury Department. All duties and responsibilities now conferred upon the Secretary of the Treasury with reference to the enforcement of the prohibition act will be transferred to the Attorney General.

We are leaving the matter of granting permits for the use of industrial alcohol in the Treasury. It has been there for many years, and the committee thought it best to leave it there. We did not think it wise to load down the Attorney General with a lot of administrative and technical details that would require a great deal of his time and which would interfere with the enforcement of the prohibition law. This provision has been criticized more than any other. The contention is that we are providing for divided responsibility and therefore weakening the purposes of the bill. I do not believe this criticism is well founded. I think we will get better results by leaving the permit system where it is, in the Treasury Department. We lodge with the Attorney General all the powers, functions, and duties that the Secretary of the Treasury now has with respect to prohibition enforcement in addition to those he already possesses as the general enforcement officer of the Government. He can appoint his own attorneys, select his own agents, and organize his own units throughout the country as he sees fit, and in my judgment there will be no room for the Attorney General to escape responsibility for enforcement.

Mr. BLACK. Under the law will it be possible for the Attorney General to use this prohibition force in the enforcement of other statutes over which he has jurisdiction?

Mr. WILLIAMSON. I think not.

Mr. BLACK. This bill does not change any substantive law. We are leaving the law as we find it, and all that we are doing is to transfer the jurisdiction from the Treasury Department over to the Department of Justice.

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

Mr. WILLIAMSON. Yes.

Mr. ARNOLD. Will you explain the reason for providing that the granting of industrial alcohol permits shall be left with the Treasury Department?

Mr. WILLIAMSON. That is the only point where I think the bill can be considered as inconsistent, but the Attorney General is charged with the responsibility for enforcement, and we felt that he therefore should have some voice in the matter of passing upon applications for permits to persons who are known to have been violators of the law in the past or who may do so in the future.

The question was raised, when the rule was being considered, as to whether joint control in the matter of granting permits would not result in throwing undue obstacles in the way of wholesale druggists and others who are actively engaged in the use of industrial and commercial alcohol.

Upon that point permit me to state that I do not think there will be the slightest difficulty. The regulations will classify those permittees who in the past have given trouble with respect to alcohol diversion. When the applications of these permittees come in they will be sent over to the Department of Justice. The Attorney General will then have the right to offer objections. But as to anywhere from 75 to 90 per cent of the permittees about whom no question has been raised as to their compliance with the law the Treasury Department will act alone and their permits will issue exactly as they are being issued now.

Mr. ARNOLD. Will the gentleman yield further?

Mr. WILLIAMSON. Yes.

Mr. ARNOLD. With further reference to the question I asked a while ago, perhaps I did not understand the gentleman, and it may be due to density on my part. Why leave any authority in the Secretary of the Treasury whatever in regard to these industrial alcohol permits?

Mr. WILLIAMSON. Because, in the judgment of the committee, the matter of granting alcoholic permits has nothing to do with the enforcement duties of the Department of Justice. This is not the only bill which the committee has before it dealing with reorganization. We have laid down a principle which I think we should follow, namely, that in effecting Government reorganization we should place in each department those things which logically belong there and which are related to the major functions of the department. These should be left there notwithstanding the fact that at the particular time we have a matter under consideration the department head may not be just to our liking or may not be conducting his activities to suit us. In other words, we should not depart from the principle in order to meet a particular exigency. We are leaving the permit system in the Treasury Department because it is an administrative agency, while the Department of Justice is purely a law-enforcing agency.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. WILLIAM E. HULL. In your statement you say that probably 75 per cent of the permittees will have no trouble, because they have gone along in a legitimate way.

Mr. WILLIAMSON. I think more than that.

Mr. WILLIAM E. HULL. I understand, but here is a wholesale druggist with an indisputable reputation. He has been doing business for the last 50 years and has been using on the average 10 or 15 barrels of alcohol a week, and a case of this kind might arise. He makes compounds containing a certain percentage of alcohol. An agent at $1,800 a year comes around and finds one of these compounds on the shelf of a retail druggist. He sends it in, has it analyzed, and it is found there is more alcohol in it, according to his analysis, than is permissible. Here is a druggist doing a business, we will say, of $50,000 a week, and under such circumstances he is shut off immediately until it can be decided, and he can have no more alcohol until it is decided, whether or not he has violated the law. That is what is going to occur, no matter what the gentleman says or anybody else says, because anybody in the business knows that the minute somebody is checked up the kibosh is put on him and he is estopped. I think we ought to put in this bill something which would protect that class of trade, and you have not got it in this bill, and the question I wanted to ask was whether there is not some way by which you can protect legitimate trade.

Mr. WILLIAMSON. Medicines and formulas are passed upon by experts in the Treasury Department, and the manufacturers of the medicines or users of formulas are bound to see that the preparations they send out come within the law and regulations.

Mr. WILLIAM E. HULL. Exactly so.

Mr. WILLIAMSON. And if they violate the law they should not be too sensitive about an investigation by the Department of Justice.

Mr. WILLIAM E. HULL. I am talking about a different kind of a case entirely, because I know and everybody knows that the men who have had charge of this prohibition matter in the field are incompetent. Everybody knows that, and there is no secret about it. They are only $1,800 men, in the first place, and they are not competent, and you will never be able to get competent men as long as you pay that amount of salary. They go out in the field and take a bottle off the shelf of a retail druggist and say it is not permissible under the law, and the wholesale druggist in that event can not get any more alcohol until the case can be decided. I think that is an injustice to the alcohol trade.

Mr. WILLIAMSON. As the gentleman knows, an agent who goes to a local druggist and takes off of his shelf a bottle containing a preparation made by some wholesale druggist is not competent to pass upon whether it complies with a formula. He sends it to a Treasury laboratory. We have 19 of these in the country. These are in the hands of competent chemists, and I do not think an injustice is being done to the wholesale druggist. Of course, isolated cases of injustice may result, but these are few.

Mr. WILLIAM E. HULL. That just shows how much the gentleman knows about this thing. I know of a case that came up just this week, where a wholesale druggist came here—and he was an expert chemist himself—and took up with the department the matter of some ergot which he had made and about which some complaints had been entered against him, and upon his showing they had to retract and he was permitted to send out again the product which had been complained about. I am telling the gentleman right now that you can make more disturbance if you want to by passing this law than the gentleman ever thought of, and that disturbance would result from having the Attorney General pass on these permits.

Mr. WILLIAMSON. So far as the Treasury Department is concerned, it is the duty of that department to stop these violations. The principle is not changed by giving the Attorney General a voice in granting certain permits, nor is it to be assumed that his agents will not act quite as fairly as those in the Treasury.

Mr. WILLIAM E. HULL. However, the situation will be in no wise any different. The only difference in that kind of a case would be that the Attorney General can say: "Here is a man who has violated the law. When that violator comes in for a new permit, that permit must come to my desk, and before

it is issued I will have to join with you, the Secretary of the Treasury, in granting it." If the Secretary fails to join, the permittee's only recourse is to go to a court of equity, and that is the recourse that he has to-day. There is no material change in that.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. O'CONNELL of New York. If the facts are as stated by the distinguished chairman of the committee, why is it that Members of Congress are receiving countless telegrams from eminent drug concerns throughout the country, like Merck & Co., who are very much opposed to this legislation? They want this to remain in the Treasury Department. Is it not a fact you are putting this commodity under the police power of the Government by this transfer instead of under the Treasury Department?

Mr. WILLIAMSON. Of course, there is a good deal in the statement the gentleman has just made. There is no doubt about that, but so far as legitimate druggists are concerned I am thoroughly convinced, after a rather extended study of the question, that they will experience no difficulty. They were heard by our committee, as the gentleman will find from reading the hearings, and I think we satisfied the men who appeared before the committee that they would be running no serious risk if this bill should go through as amended by the committee. This bill is primarily enacted for the purpose of more effectively enforcing the prohibition law. There is no dodging that. What we are after is to get a better enforcement of the prohibition law.

Mr. O'CONNELL of New York. That is the recommendation of the President.

Mr. WILLIAMSON. This is one step we believe it is necessary to take in order to allow the Attorney General to use preventive means by excluding permittees who can not be trusted with the use of alcohol, because they have been guilty of violating the law in the past. He can deny them permits and to that extent guard against violations of the law.

Mr. O'CONNELL of New York. But you stigmatize the legitimate concern.

Mr. WILLIAMSON. We are not stigmatizing the legitimate concern. Druggists of good repute will not encounter any difficulties in securing permits. This bill will aid in weeding out the lawless ones and make more secure the business of the honest concerns.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. SCHAFER of Wisconsin. Is it not a fact that after a representative of the National Druggists' Association testified before our committee, our committee recommended an amendment which is contained on page 6, subsection (b) of section 6, in line 22, reading as follows: "To be issued for more than 90 days," and is not that to take care of an emergency situation?

Mr. WILLIAMSON. Of course; that is true.

Mr. SCHAFER of Wisconsin. Undoubtedly, the propaganda which has been flooding the Members of Congress was started and had been sent out prior to the adoption of this amendment after the representatives of the druggists appeared before our committee.

Mr. WILLIAMSON. So far as all temporary permits are concerned, that do not run for a period of more than 90 days, the Secretary of the Treasury retains the authority to grant these permits and the Attorney General can not in any way interfere. The reason for this is that in some cases, a hospital, for instance, or perhaps a drug company, may need a formula to meet a particular emergency and no obstruction should be put in their way so as to prevent immediate action upon their application. That is why temporary permits are left exclusively with the Treasury.

Mr. BLACK. Will the gentleman yield?

Mr. WILLIAMSON. I yield to the gentleman.

Mr. BLACK. I wish first to modify the statement of my friend from Illinois [Mr. WILLIAM E. HULL] when he said the agents only get $1,800 a year. The gentleman has entirely overlooked all the collateral opportunities involved in the job. [Applause.]

I want to ask the gentleman, however, this serious question. Does the present Attorney General insist upon this check on the permit?

Mr. WILLIAMSON. The Attorney General insists on the provision which allows him to have a voice in the making of regulations respecting the granting of permits.

Now, gentlemen, I do not want to take any more time, as there are others who should have an opportunity to be heard.

Mr. RAGON. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. RAGON. As I understood the gentleman a while ago, he said there would be about 75 per cent of these permits that would be passed on by the Secretary of the Treasury, and the remaining 25 per cent would be the joint action of the Treasury Department and the Department of Justice.

Mr. WILLIAMSON. Of course, that is more or less of an estimate.

Mr. RAGON. Where does the gentleman get those figures of 75 per cent and 25 per cent?

Mr. WILLIAMSON. Because the Commissioner of Prohibition informs us that as to at least 75 per cent of the present permittees, of which there are 155,000 or more, no question has ever been raised with respect to any diversion of alcohol or other violation of the law. He says the great majority are law-abiding, good people, who give him no trouble. The permits of this class will continue to be issued by the Secretary of the Treasury, and the Attorney General in that case will not have any voice, because they are segregated from the class that has been giving trouble. It is with respect to the class that has been giving trouble that the Attorney General wants to have a voice in the granting of permits.

Mr. RAGON. May I call the gentleman's attention to the language of the bill. I am just as strongly for enforcement as the gentleman, but when it comes to nullifying the benefits of a great drug concern that requires alcohol for manufacturing its product, I think we ought to seriously consider the matter before we provide here how that may be done. The gentleman has stated that they both will only act with respect to 25 per cent of the permittees, but your bill in section 7 plainly states that whenever the Attorney General deems it advisable he may act with respect to the whole 100 per cent. Now, what assurance have we that the Attorney General will not pass some rule or regulation with regard to that? You provide that he may do these things, and what will prevent him or what will prevent that action by both the Department of Justice and the Treasury Department in promulgating rules that will cause delays in the procurement of alcohol by these men who are legitimate dealers, and how do we know they will not promulgate a lot of rules that will be a real detriment to the honest drug dealers in this country?

Mr. WILLIAMSON. Well, of course, there is no way by which you can prevent the department from formulating rules that may be objectionable. The rules promulgated by the Secretary of the Treasury fill four big pamphlets. There is no reason to believe that these regulations will grow in volume. On the contrary, there is every reason to believe that the Attorney General will help to simplify and clarify them. If the Attorney General and the Secretary of the Treasury should not be able to agree, the President will doubtless prescribe the regulation over which there is disagreement.

Mr. RAGON. By your bill you say that the Attorney General may, if he considers it advisable. It looks to me like the President or the Secretary, whatever might be their attitude, can not prescribe his action in that matter.

Mr. WILLIAMSON. The Attorney General can not make a regulation, he can only make regulations jointly with the Secretary of the Treasury. If there is disagreement, the matter would go to the President.

Mr. RAGON. The bill says if he thinks it advisable, and he may find it advisable. The gentleman from Illinois inquired why you are dividing it. The alcohol permits come under the Department of the Treasury; why not leave medicinal alcohol in that department, where they now have it?

Mr. WILLIAMSON. The only purpose is to enable the Attorney General to prevent its diversion. The permit system remains in the Treasury.

Mr. ELLIS. Will the gentleman yield?

Mr. WILLIAMSON. I yield.

Mr. ELLIS. The subordinates in the Treasury Department will be there under the same administration. I am in favor of the bill, but I think the only question about it is this question of divided authority in an important matter.

It seems to me that here are two departments of the same administration, appointed by the same President, and when you talk about distrust of somebody or preventing somebody, you are talking about preventing the agency in the Treasury Department where it belongs. I am receiving telegrams from drug houses, managed by honorable men, in favor of the prohibition law. They do not like the regulations, they do not like the dual responsibility, they think it ought to be in one place or the other.

I am not at all satisfied with the explanations. The Attorney General is given the right to overrule the Treasury Department. I certainly do not like the idea that the Attorney Gen-

eral may take the whole matter out of the hands of the Treasury Department.

Mr. WILLIAMSON. But you have to look at it from a practical standpoint. Now what will happen is this: They will set apart those permittees about whom no question has been raised. These the Attorney General will not bother with. That will include ninety-nine out of a hundred of wholesale druggists, 90 per cent of retail druggists, and anywhere around 90 per cent of the physicians. You will have a small number who have been guilty of diversion, people who have not lived up to the regulations on formulas, and as to those the Attorney General will say, I want their applications for permits sent to my desk so that I can investigate them before the permits are issued.

Mr. ELLIS. Why can not that be said, and why should it not be said, about the agency of the Treasury Department just as well as the other department?

Mr. WILLIAMSON. Because the Attorney General is charged with the enforcement of the law, and if, in the first instance, he can shut out permittees who are known violators of the law, he will not be put to the expense and trouble of prosecuting them for violating the law later on.

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

Mr. WILLIAMSON. Yes.

Mr. COLTON. The Treasury Department officials, upon whom the responsibility of carrying out this proposed law will rest, are not objecting at all to this provision, are they?

Mr. WILLIAMSON. No.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. WILLIAM E. HULL. Let me ask the gentleman this question: Is it not true now that if a man be appointed to the Attorney Generalship who is, we will say so that we will understand it, a crank, and he is insistent on stopping permits, he can stop them under this bill?

Mr. WILLIAMSON. No; he can not do it, because if the Secretary of the Treasury is not also himself a crank he will say that he will not stand for that kind of a regulation; and unless the President himself is a crank, he will make regulations that are fair to everybody.

Mr. WILLIAM E. HULL. And the gentleman makes the positive statement that the Attorney General can not stop a man from getting a permit?

Mr. WILLIAMSON. Oh, yes; he can stop him.

Mr. WILLIAM E. HULL. That is the question.

Mr. WILLIAMSON. He will not interfere, however, except as to that class whose applications must come to his desk, as provided by regulation. If he rejects the application of any permittee, his only recourse is to appeal to the courts.

Mr. WILLIAM E. HULL. I want to get it before the House that the Attorney General is positive in power and can stop the permit.

Mr. WILLIAMSON. As to the class of permittees whose applications must come to his desk.

Mr. WILLIAM E. HULL. Can he stop anybody's permit?

Mr. WILLIAMSON. No; because they are controlled by regulations. He can stop only those that come to his desk, that come within this classification.

Mr. WILLIAM E. HULL. There is nothing in the bill that says that.

Mr. WILLIAMSON. The joint authority only goes to making regulations with respect to permits, and these will prescribe and fix what applications shall come to his desk.

Mr. WILLIAM E. HULL. Take it for granted that I am operating a legitimate wholesale drug house. Suppose the Attorney General is suspicious—I will go that far—and he objects to my getting any more alcohol. That stops me from getting alcohol, does it not?

Mr. WILLIAMSON. Here is what they will do——

Mr. WILLIAM E. HULL. But I am talking about the provisions of the bill.

Mr. WILLIAMSON. The bill provides that he shall make the necessary investigation to determine whether or not the applicant is a suitable person to be given a permit. If, after full investigation, he decides that the permittee is not a suitable person to get a permit, then he says "no," that he will not grant a permit to him, and that is final as far as the departments are concerned.

Mr. WILLIAM E. HULL. That is what I mean. In other words, he can stop the permit to my house.

Mr. WILLIAMSON. If you come within the class that goes to his desk; yes.

Mr. COCHRAN of Missouri. Section 7 of the bill provides as follows:

SEC. 7. The Attorney General may, if he considers it advisable, act jointly with the Secretary of the Treasury in passing upon any application for any permit or any renewal or amendment thereof, which may be issued under the national prohibition act, and in such cases no permit shall be granted, renewed, or amended without their joint approval. In the event of a refusal of the permit, renewal, or amendment, the applicant may have a review of the decision before a court of equity as provided in sections 5 and 6, Title II, of the national prohibition act (U. S. C., title 27, secs. 14 and 16).

Suppose they refuse to grant a renewal, does he get any alcohol pending the decision of the court?

Mr. WILLIAMSON. No.

Mr. COCHRAN of Missouri. Then he can stop the permit.

Mr. BLACK. The gentleman has been very gracious about yielding. He stated in response to my question that the present Attorney General insisted on this check. In other words, he did not want this enforcement job unless he had a check over the permits which are responsible to a large extent for a diversion of alcohol. That being so, and your committee agreeing to do it, how can any dry insist that any State try to enforce the prohibition law, when that State is not given any check over the permits?

Mr. WILLIAMSON. Most States have their own enforcement acts.

Mr. BLACK. But they have nothing to do with the permits.

Mr. WILLIAMSON. No.

Mr. BLACK. That is a national matter.

Mr. WILLIAMSON. Of course it is. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a statement, which I assume has been prepared by the the Bureau of Prohibition, relating to the diversion of industrial alcohol in the thirteenth prohibition district.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The statement is as follows:

SUMMARY OF ACCOMPLISHMENTS IN CONTROLLING THE PRODUCTION, DENATURATION, WAREHOUSING, AND USE OF INDUSTRIAL ALCOHOL IN THE THIRTEENTH PROHIBITION DISTRICT FROM SEPTEMBER 1, 1925, TO DECEMBER 31, 1929

Prior to the reorganization of the prohibition field forces on September 1, 1925, all permits having to do with the production, warehousing, and denaturation of alcohol and those to manufacturers for the use of specially denatured alcohol were issued by collectors of internal revenue, who had supervision over all permit operations. On that date, however, the work of handling the permits of manufacturers using specially denatured alcohol was transferred to the prohibition administrator but collectors of internal revenue retained supervision over the industrial-alcohol plants, bonded warehouses, and denaturing plants until April 1, 1927, when all work in connection therewith was transferred to the prohibition administrator pursuant to an act of Congress. However, between September 1, 1925, and April 1, 1927, the administrator made investigations of violations on the part of these plants and submitted to the collectors of internal revenue recommendations for the disapproval or revocation of permits.

Since the reorganization on September 1, 1925, there has been a consistent effort in this district to eliminate all permittees violating the law, and the reduction in the withdrawals of alcohol has been one of the outstanding accomplishments during this period. Seven industrial-alcohol plants with authorized yearly production of 26,615,000 proof gallons have been eliminated by the disapproval, cancellation, and revocation of permits. Some of these plants were organized solely for the diversion of alcohol, and it required at least two years of investigation and litigation in court to finally close them.

In the case of the Chicago Grain Products Co. where the action of the administrator was sustained by the United States District Court and later upheld by the circuit court of appeals, the discretionary authority of the administrator in action on permits was clearly defined, and this case has been referred to in many cases of permit litigation throughout the country. Another excellent decision was that of the Cragin Products Co. These decisions were helpful in the revocation of permits of a large number of smaller concerns.

Six industrial alcohol bonded warehouses with yearly capacity of 24,543,000 proof gallons have been eliminated through the disapproval, cancellation, or revocation of permits, as well as seven denaturing plants with a yearly capacity of 18,036,000 proof gallons of alcohol in the same manner.

The production of alcohol in the district has been reduced from 9,789,251.56 proof gallons for the fiscal year ending June 30, 1927, to 3,502,844.44 proof gallons for the fiscal year ending June 30, 1929. Large quantities of alcohol have always been received into warehouses in this district from other districts. These receipts were reduced from 18,414,545.30 proof gallons for the fiscal year ending June 30, 1927, to 12,704,145.56 for the fiscal year ending June 30, 1929. This makes a net reduction of alcohol produced in the district and received from

other districts for deposit in bonded warehouses from 28,203,796.86 for the fiscal year ending June 30, 1927, to 16,206,990 proof gallons for the fiscal year ending June 30, 1929; in other words, a net reduction in the production and warehousing of approximately 12,000,000 gallons.

There has been a reduction in alcohol transferred to denaturing plants for denaturation from 23,755,712.12 proof gallons for the fiscal year ending June 30, 1927, to 10,696,957.71 proof gallons for the fiscal year ending June 30, 1929, or approximately a net reduction of 12,000,000 gallons. This reduction occurred after the work of supervising these plants was taken over by the Prohibition Administrator from collectors of internal revenue on April 1, 1927.

There has also been a marked reduction in the withdrawal of specially denatured alcohol by manufacturers procuring same for use in the manufacture of barber supplies and toilet preparations. Diversion of alcohol from this source was, for a number of years, one of the worst problems with which the department has been confronted. The withdrawals of these concerns whose permits were revoked, disapproved, or cancelled aggregated 3,841,440 wine gallons annually. Therefore, there has been a net reduction of that quantity in this respect. The number of these permits taken over from the collectors of internal revenue on September 1, 1925, was 804; the number existing December 31, 1929, was 470. In order to accomplish this reduction, constant investigation was required, and, in many instances, litigation in court; but when the administrator was finally sustained in his action by such decisions as the Abraham Cywan case, which has since become widely known and referred to, fewer companies appealed from the decision of the administrator to court for review of his action in the revocation or disapproval of permits, and for the last two years there has not been a single case taken up for review.

In addition to the figures recited above, the best evidence to show that the diversion of alcohol withdrawn by permittees has been practically reduced to a minimum is the fact that out of 9,000 samples analyzed by chemists of this district during the calendar year 1929, only 1 per cent showed liquor produced from recovered specially denatured alcohol, whereas 81 per cent showed liquor made from moonshine alcohol and moonshine spirits. Three-fourths of 1 per cent of all samples analyzed showed pure whisky; 9 per cent consisted of colored spirits whisky flavored, ordinarily known as bootleg liquor; one-fourth of 1 per cent of samples analyzed was Scotch whisky; 2 per cent consisted of good alcohol, and 6 per cent colored and uncolored spirits produced from good alcohol.

The result of analyses of these samples showed that the majority of liquor used in this district is made from moonshine alcohol and moonshine spirits instead of from pure grain alcohol or specially denatured alcohol diverted from permit or smuggled liquor, as the public is often led to believe.

While every effort has been made to obtain evidence against those who are violating the law, the fact that there is a legitimate demand and extensive use of alcohol in the trades and industries has not been lost sight of, and it has been the policy to give every assistance possible to the requirements of those who have a legitimate use for alcohol.

On December 31, 1929, there were 22,129 permits in force in this district; 15,848 of these were physicians and dentists; 2,090 were retail druggists; 2,691 were manufacturers or laboratories withdrawing tax-paid alcohol; 31 were cereal-beverage plants; 307 were hospitals withdrawing tax-paid alcohol; 579 were hospitals withdrawing tax-free alcohol; 477 were manufacturers withdrawing specially denatured alcohol, the remainder being wholesalers and miscellaneous permittees of various kinds.

Mr. GASQUE. Mr. Chairman and gentlemen of the committee, the Committee on Expenditures held very extensive hearings on this matter. We had the Secretary of the Treasury and the Attorney General before us, together with their assistants, for almost a week. I think the President of the United States is to be commended for taking this step in attempting to reach some method of enforcement of the prohibition law. The people of the United States demand it. The people are beginning to feel that there has been a laxity somewhere and that the prohibition law should be given a fair test—and when I say "the people," I mean those who favor the prohibition law and those who do not.

After the hearings and all of the arguments in the case, I want to say that I concur with everything in the majority report of the committee, except in that it does not go far enough. I do not believe, when we go out to the country and say to them that we have made a forward step and that we are going to try to enforce the prohibition law, that we should give them a bill which is nothing but a smoke screen and a camouflage to fool them. This bill, if it went a little further, and avoided the dual authority and the opportunity of passing the buck between the administrators of the law, would be a good bill; but I do not believe that it will mean anything as reported. Perhaps I ought not to say that I do not think it will mean anything, but it will not be the bill it ought to be unless we can strengthen it by the amendment I shall offer. I think it is universally conceded—I know that I am convinced—that one of the greatest sources of liquor to-day is the diversion of industrial alcohol under the guise of a permit, and practically all the whisky that you see, that we come in contact with, is synthetic.

Mr. LAGUARDIA. That "we" come in contact with!

Mr. GASQUE. Come in contact with after seizure. Of course, we see it nowhere else.

Mr. LAGUARDIA. By being destroyed?

Mr. GASQUE. Yes; by being destroyed after seizure.

I contend, gentlemen, that this authority for granting permits for industrial alcohol should not be divided. I contend that everything regarding the enforcement of the prohibition law belongs in the Department of Justice. The Department of Justice will be, under this bill, required to enforce the law.

I want to quote to you from a book that was written some time ago by Mrs. Willebrandt, who, as you know, was in the Department of Justice for several years and very active along this line. After dwelling at length on the illicit diversion of industrial alcohol, and how easy it was, she went so far to say that under the Treasury Department to-day she would not be going far from the truth if she said that these large consumers of alcohol practically wrote the regulations under which the alcohol is withdrawn.

Mr. O'CONNELL of New York. Is it not true that Mrs. Willebrandt was invited to appear before the committee and she refused to come?

Mr. GASQUE. I think there was a motion passed by the committee inviting her to come, or to that effect.

Mr. O'CONNELL of New York. Does not the gentleman think she should have come?

Mr. GASQUE. Yes; I think she should have come.

Mr. SCHAFER of Wisconsin. I call the gentleman's attention to the fact that her reply is contained in the printed hearings.

Mr. GASQUE. She said that one of the reasons why this law had not been more fully enforced was because of this dual authority, divided between the two departments; and she said the regulations involve the interpretation of the law, and must ultimately stand the test of the courts in cases tried by the law officers of the Government; and that means in simple language that since the Department of Justice, the United States attorneys, and special prosecutors must defend the regulations in court, the Department of Justice should decide on the construction of the law, and state it clearly in the regulations.

Mr. O'CONNOR of Oklahoma. Probably Mrs. Willebrandt did make the statement imputed to her, but she did not say that while she was in the department. She was not in the department when she was writing the book or articles.

Mr. GREEN. If she had said that while she was in the department she would have been fired more quickly.

Mr. HUDSON. Is there any record anywhere that she was ever fired from any position?

Mr. GREEN. I ask you, did she withdraw voluntarily from the department? Do you think Mr. Mellon wished her to remain there?

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

Mr. GASQUE. Yes.

Mr. CRISP. I understand that Mrs. Willebrandt said that the regulations that permit the withdrawal of alcohol were practically written by those who obtained the permits?

Mr. GASQUE. She said she would not be going far from telling the truth if she made the statement that those regulations were prepared almost altogether by those withdrawing alcohol. Now we want to get the granting of permits out of their hands and give nobody the chance to pass the buck in the enforcement of the law.

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

Mr. GASQUE. Yes.

Mr. COLE. In quoting Mrs. Willebrandt, is it not incumbent that you should cite the place where she made that statement?

Mr. GASQUE. I said in my statement that it was in a book written by her. The book is entitled "The Inside of Prohibition."

Mr. SCHAFER of Wisconsin. I have the book right here, and the language is a great deal stronger than the gentleman stated.

Mr. GASQUE. And I think she could have made it even stronger than she did.

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

Mr. GASQUE. Yes.

Mr. ARENTZ. Has the gentleman heard of cases where the Treasury Department has instigated an investigation and has not received the encouragement of the prohibition officers, and

the Attorney General's Department would not cooperate because it happened that they did not begin the work? And then the Coast Guard would start out in a little investigation of their own, and they would not receive the cooperation of the customs officers or of the Treasury Department or the Attorney General's Department. If we continue to have all these different departments trying to do the same thing, we will have the whole thing bailed up, and we shall accomplish nothing.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. GASQUE. Yes.

Mr. WILLIAM E. HULL. Does not the gentleman believe it would be better in passing this law to give the entire charge of issuing permits to the Attorney General?

Mr. GASQUE. Yes; and I will offer an amendment of that kind to the bill.

Mr. WILLIAM E. HULL. And I will vote for it.

Mr. GASQUE. At one time that was the sentiment of the entire committe, but for some reason or other some members changed their minds.

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

Mr. GASQUE. Yes.

Mr. O'CONNOR of Oklahoma. If all requests for the withdrawal of alcohol should be made to the Attorney General and they are referred to the Treasury Department, would not, then, the primary responsibility be on the Attorney General?

Mr. GASQUE. Yes. My position is that of the majority of the committee as well as the minority. If you read their report you will see these words:

> Division of authority, duties, and responsibility is not conducive to the best result where a specific end is sought. This is especially true where the object in view is law enforcement. Simplicity of procedure, unity of direction, and definite responsibility for results are greatly in the interest of efficiency and certainty. Not until authority and responsibility for the enforcement of prohibition are centered in one head can there be a real test of the mooted question, "Can prohibition be enforced?" Upon that there now seems to be common agreement by both the wets and drys. Such unity and cohesion of purpose is what this bill seeks to bring out.

But they contradict themselves in the very next paragraph. They divide the authority for the issuance of the regulations as to permits for industrial alcohol by putting it under two heads.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GASQUE. Yes.

Mr. SCHAFER of Wisconsin. Does not the language which the gentleman has just quoted from the majority report absolutely indicate that the entire committee—except the other one dissenting member—is in favor of the minority amendment submitted with the minority views?

Mr. GASQUE. I will say they were at one time.

Mr. SCHAFER of Wisconsin. Does not their majority report indicate the fact that they are at the present time, when they signed their report with that quoted language in it?

Mr. GASQUE. I presume they are still of that same mind. I want to say, gentlemen, that we of the minority are supporting this bill provided we get this amendment in it. If this amendment is included, I believe this will be one of the most forward steps toward the enforcement of the prohibition law that has ever been taken, but I am not willing to go before the country and say I helped to pass a bill for the enforcement of the law when I know that under this bill the two departments which are held responsible for this can pass the buck and the public can not lay their hands upon either one to hold responsible. I want to say that at the proper time I shall offer the following amendment in lieu of section 5 (a):

> SEC. 5 (a). The Attorney General shall prescribe all regulations under this act and the national prohibition act, and the form of all applications, bonds, permits, records, and reports under such acts.

That is all I want to do. I want to make the Attorney General the doctor, if you please, and the Treasury Department the drug store. The clerical work will be left there as far as issuing the permits is concerned, but we want it done under regulations prescribed by the Attorney General, so we will know whom to hold responsible if there is any laxity in the enforcement and if the same condition exists which now exists with reference to the diversion of industrial alcohol.

Mr. GREEN. Will the gentleman yield?

Mr. GASQUE. Yes.

Mr. GREEN. As a member of that committee, I would like to know whether or not in the hearings it was brought out as to whether the dry forces of the country and the dry organizations would favor the permits being issued by the Department of Justice or the Treasury Department. Was that brought out at the hearings?

Mr. GASQUE. There was no division as to drys and wets along this line, but, as I said, that was at one time the almost unanimous opinion of the committee.

Mr. GREEN. I mean the public in general.

Mr. GASQUE. I do not know about the public.

Mr. SCHAFER of Wisconsin. I think I can answer the question by stating that the hearings will show that I offered a unanimous-consent request, later followed by a motion, which was defeated, to invite Dr. Clarence True Wilson and F. Scott Bride, of the Anti-Saloon League, to come before the committee and give their views on this bill, and since they have seen in the press that we were considering the bill and did not appear I do not want their organization, or they as individuals, in the future to ever say that we need to experiment 5 or 10 years more and perhaps transfer enforcement to another department, probably the Agricultural Department, and have veterinary surgeons enforce the law.

Mr. GASQUE. Mr. Chairman, I reserve the remainder of my time.

Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. MONTET]. [Applause.]

Mr. MONTET. Mr. Chairman, ladies and gentlemen of the committee, I am a member of the committee having had this bill under consideration, and while I do not subscribe to the principles of national prohibition, still I have been unable to see where the virtues or shortcomings of prohibition play any part in the consideration of this legislation.

Viewing it from the standpoint of one not in sympathy with the national prohibition act, my objection to the bill as reported by the committee is that it does not go far enough. I realize that until national prohibition passes what the national prohibitionists call the experimental stage, until it has received all of the support Congress is able to give it by virtue of the Constitution, and not until then will that side of the question accept our view that it can not be enforced; and in the meanwhile I believe we are exerting hopeless effort trying to have the Volstead Act or the constitutional amendment repealed. Therefore I feel that by placing in this bill all of the authority possible under the Constitution we are only helping to hasten the day when I believe the eighteenth amendment and laws enacted thereunder will be repealed; therefore I want to see that those espousing this cause are not only given as much authority and as much power as they desire but as much power as it is possible for this Congress to grant under the Constitution itself.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. MONTET. Yes.

Mr. O'CONNELL of New York. It was operated by one department, but now they must have two more. How many more will be needed before we get through?

Mr. MONTET. In my opinion, this matter has been operated by two departments right along. We have had the Prohibition Bureau under the Secretary of the Treasury. The Prohibition Bureau detected the offenses and the Department of Justice prosecuted them. We had dual responsibility and we still have dual responsibility under this bill as reported by the majority of the committee. You propose withdrawing from the Treasury Department one activity—that is, detection—in so far as general violations of the prohibition law are concerned. However, when we come to the question of permits we still have the same dual responsibility, and I want to make this prediction right here and now, that if I am still in Congress five years hence and this law is enacted as reported by the committee, I will see further time requested for this noble experiment by the national drys, because of the fact that we do not now place all of the authority in one department, and I want to do that now in the interest of a repeal of that law. [Applause.]

Now, what is the position of the members of the committee who signed this minority report, a report signed both by drys and wets? As I stated before, I readily joined in the minority report because I realize that we should place all responsibility with reference to all things and matters relating to prohibition in and under one department.

As expressed by the gentleman from South Carolina who just preceded me [Mr. GASQUE], I was under the impression at one time, after attending every meeting of the committee, that the committee would unanimously report the position now assumed by the minority report.

Now, what does the minority report seek to do? All members of the committee were in harmony as to all the provisions of the bill and the various amendments offered until we came to section 5 (a) on page 5. That is where we took different routes for different reasons. As reported by the majority,

section 5 gives joint authority to both the Attorney General and the Secretary of the Treasury to prescribe all regulations—it is inclusive and not exclusive—all regulations under this act and the national prohibition act relating to permits, and so forth.

Now, what does this mean? We have been told that one of the troubles with the enforcement of the prohibition laws has been due to the fact that two departments have had some authority over different phases of the enforcement of the law. Now, we are going to give them what, under this bill, if the majority prevails? Grant joint authority in all regulations as to permits and so forth. I have heard time and again on the floor of this House and have read generally throughout the press of the country stinging criticism of the methods used and pursued by the Treasury Department in handling industrial and other alcohol. I am not prepared to give figures, but I know that the criticism of the Treasury Department with reference to that phase of the law has been rather general. No one has ever accused the Treasury Department of being overburdened with aridness on the subject.

One of the reasons, I believe, that prompted the introduction of this bill has been a desire to place all matters relating to prohibition upon the head of the law-enforcement division of this country, where it properly belongs. The public, I believe, have—and for me personally I state unqualifiedly I have—every confidence in the present Attorney General. I know he is a man of ability, a man of integrity, of incorruptible character, and of unwearying devotion to the service of his country. I believe if we place every phase of the prohibition law, what is permissive and what is preventive, under one head, the advocates of national prohibition will have to admit that prohibition has had its fair try-out. So long as we have this joint authority it will bring about friction and confusion. It is only natural that this should follow. We are bound to assume that human nature prevails in the Treasury and in the Department of Justice just as it does in all other activities in life.

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

Mr. GASQUE. Mr. Chairman, I yield five additional minutes to the gentleman from Louisiana.

Mr. MONTET. Mr. Chairman, it will bring confusion and friction. The first time they oppose each other what will be the result? Human nature will again assert itself and one department is going to assume the attitude of laissez faire toward the other department—let George do it, as we often say in common parlance; and the American people who are watching this proposition with ever open eyes want to be able to determine for themselves not only whether an honest effort is being made to enforce this law but they want to be able to lay their fingers directly upon the one department charged with the enforcement of the law and hold it responsible in the event the law is not enforced, and that can not be done under this dual authority. We are further asked to authorize the Treasury Department to join with the Department of Justice in the preparation of regulations which the Treasury Department will never be called upon to defend in court because whenever the regulations are attacked in court the Department of Justice will have the burden of defending them, and if it is going to be burdened with that responsibility, I say that it, and it alone, should be clothed with the authority to prepare and make them.

Now, ladies and gentlemen of the committee, if you accept the amendment that will be proposed, placing all matters relating to prohibition, permits, and so forth, in the hands of the Department of Justice that will not of itself destroy the usefulness of the Treasury Department in this matter. The Treasury Department will still handle all things relating to fiscal matters. It will be a mechanical agency for the Department of Justice to carry out the rules and regulations laid down by the department which the American people have the right to expect to enforce all laws and be held responsible in the event laws are not enforced.

The Treasury Department will still be able to play its part. It will still issue permits; it will still collect money that may be due under the regulations. But the people of this country properly expect the responsibility for the enforcement of the law to be centered in one department. In the first place, those who believe in national prohibition believe that if one department has sole authority for its enforcement, the law can be enforced. On the other hand, those who do not believe in national prohibition do not believe that the law can be enforced in any event.

And from the view of one opposed to the national prohibition law I do say that if we place this responsibility in the hands of one department that only hastens the day when the American people will admit the failure of national prohibition and demand a repeal of the law. I say to you, ladies and gentlemen, that under our system of Government, there is no place whatever for dual authority and dual responsibility. Let it be placed entirely in the hands of one department. [Applause.]

Mr. WILLIAMSON. Mr. Chairman, I yield seven minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, the present bill before us has come out as the result of the conviction that the enforcement of the eighteenth amendment should be placed in the Department of Justice.

In my first campaign for a seat in this House my platform contained a plank expressing my belief that the place for the enforcement of prohibition should be in the Department of Justice.

I have not changed my mind from that time to this; I believe that is where it belongs, and I have always believed that was where it belonged.

So I am advocating the bill to-day, not because there has grown out of the enforcement such a condition that there must be a change or a transfer from one department to the other; rather because it is the logical place, the proper place, where it should have been put in the beginning. It should have been placed there for the more effective, more efficient, and wiser administration of the enforcement of the law.

The gentleman who has just preceded me has stated that he wanted all the authorities connected with the enforcement of the prohibition law, the rules and regulations pertaining to legitimate alcohol in industry, medicine, and so forth, placed under the Department of Justice in order that he may see at the end of 10 years, when it will be proven by his reasoning that you can not enforce the eighteenth amendment, a repeal of the entire prohibition law.

The gentleman is dreaming; his is a false hope; he will be resting with his forefathers long before there is a repeal of the eighteenth amendment. [Applause.]

Enforcement is to be placed there for only one purpose: It is to be placed there for a more efficient enforcement, and is the place where it ought to be.

There has a great deal been said on the part of those who are interested in the matter of industrial-alcohol permits, that this bill is going to work a very serious handicap to them. I trust it will not do so, and I fully believe it will not. I have this to say: I believe the legitimate users of industrial alcohol in this country as a whole are a unit for the enforcement of the eighteenth amendment. They have been preaching from their conventions and through their officers consistently and constantly for the enforcement of the law and have given definite aid to the stabilizing and making efficient the eighteenth amendment. It can not be charged that the legitimate users of industrial alcohol are against the eighteenth amendment, or that through them, as a whole, there has been a diversion of industrial alcohol.

They represent large investments of capital, valuable formulas, and extensive trade connections, which they can not—will not—jeopardize by connivance with law evasion or violations. Of course, there have been some scoundrels, some black sheep, but they are pretty well weeded out.

I say that I do believe that to-day 98 per cent of all the industrial alcohol distilled and used under the formula system is used legitimately—that there is not over 2 or 3 per cent that finds its way into bootleg alcohol.

Mr. SCHAFER of Wisconsin. The gentleman disagrees with Mrs. Willebrandt?

Mr. HUDSON. I do not disagree with Mrs. Willebrandt. There were serious diversions and serious conditions, but I am contending that to-day at this present hour 98 per cent of the industrial alcohol is being used honestly in proper channels and not over 2 or 3 per cent is being diverted.

You know and I know to-day that outside of perhaps one or two eastern cities no industrial alcohol of any quantity is finding its way into bootleg channels.

Mr. SCHAFER of Wisconsin. Oh, but in Chicago, my dear friend——

Mr. HUDSON. I do not yield to the gentleman. He must get his own time.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. No; I can not yield, as I have only seven minutes.

To-day the bootleg liquor is being made from corn sugar and is not being gotten by bootleggers through diversion as it was before.

Mr. Chairman, I want to insert in my remarks an editorial from Industrial and Engineering Chemistry, a magazine, dated February 1, 1930, which is written by its editor, Mr. Harrison

Howe, who perhaps knows more about this situation in respect to the legitimate use of industrial alcohol than any other man in the United States. In that editorial he says:

INDUSTRY, THE BROAD TARGET

The ever-active discussion of law enforcement centering about the eighteenth amendment is again approaching one of the peaks in its varying curve. These peaks come at intervals, very much as other phenomena such as stock-market reactions and tariff revisions. We see no prospect of avoiding them, but we propose that the extremists of both factions be made to understand that they should cease to use legitimate industry as their broad target. It is easy to find, and attacks upon "the interests" are always popular in some quarters, but it is about time that all factions realize their dependence upon the several industries against which their broadsides are directed, and face some of the actual facts.

Approximately 110,000,000 wine gallons of industrial alcohol were produced in 1929, but if this production should cease we doubt if the absence of that vast quantity of important raw material would make a noticeable impression upon the enforcement problem. Only industry and those who depend upon its products would suffer and no one would benefit. It can be shown that from 97 to 98 per cent of the industrial alcohol goes into the hands of gilt-edged industries and, if the list of those using 50,000 or more gallons annually could be published, it would be a blue-book roster of American industry. More than that, the quantity of alcohol being withdrawn from the remaining 2 or 3 per cent not covered by the above assertion is going to permittees who are securing this alcohol under the direction of the courts, following revocation proceedings.

We all know that tremendous quantities of industrial alcohol are used for antifreeze purposes, yet in the year and a half since the latest formula for completely denaturing this alcohol was authorized there have been no reported criminal manipulations.

From whence, then, comes this alcohol of which we hear so much? Does it come from the industries that produce large quantities on a regular manufacturing schedule, or does it come from the less easily discovered producers who work with everything from homemade contrivances to well-designed and expensive plants? We believe that the diversion does not occur in important amounts in the case of the chemical alcohol, but is produced from other sources, of which one is corn sugar. It is well known that the distillers of industrial alcohol do not use corn sugar. But consider these figures. The production of corn sugar of all grades in 1921 was about 152,000,000 pounds. In 1929 this had grown to nearly 1,000,000,000 pounds, or, to be more accurate, approximately 970,000,000 pounds. What has happened to some of this corn sugar? During the past year 14,000,000 pounds of the 70 to 80 per cent glucose known as "yellow chip" were seized in one section of the country along with various kinds of stills and obviously represented merely the daily or current supply. A famous bootlegger in one city, who got off with a merely nominal fine, was shown to have handled in three months 79 carloads of corn sugar, each containing 500 sacks of 100 pounds. A single seizure in Sioux City yielded 80,000 pounds of corn sugar, while the Oakland Sugar House gang in Detroit is known to have accounted for 50 cars a month of this same raw material. The daily press of Cleveland, Ohio, a year ago contained many references to the control a certain gang exercised in bootlegging activities through the command they hold of the corn-sugar situation.

During 1929 in the section east of the Missouri and north of the Ohio Rivers, 3,430 column stills were seized. Some of the plants were large and elaborate. By the use of ammonium salts, fermentation was hastened so that from raw material to finished product required but 24 hours. The capacity of these stills simply dwarfs below comparison that of the 400 "cleaning" or "cooking" plants seized all over the country in the same year. It is these latter stills that work on diverted industrial alcohol, so denatured as to make manipulation difficult, costly, and continually less attractive.

All of these facts and figures are impressive. Without doubt for every gallon of legitimate distilled industrial alcohol which, through criminal action, finds its way into bootlegging channels, not less than 10 gallons from other sources, such as the fermentation of corn sugar, go with it. It would appear that the Corn Belt, through the income from grain sold for the production of corn sugar, is deriving more relief than is likely to result from tariff legislation and is innocently supplying the base material for a commodity which, with a great majority of the country, it voted should be devoted to industry and debarred from beverages.

Is it not time that we should stop punishing the man whose name and address are known, whose cash is invested in legitimate industry, whose premises are policed and regulated, and whose product is supervised officially from weighing in the raw material to its ultimate use in some unrelated finished product? His very efficiency is checked on the basis of the best practice which would require him to produce a definite quantity of alcohol from a given weight of molasses. The research laboratory of one of our best known industries, needing alcohol for strictly scientific investigations, found it necessary to have the secretary of state of the Commonwealth in which it is located officially certify that it was a true registered corporation of the State, though it is as well known as any in the country, and the director of the laboratory was requested to sign documents of a nature which required special authorization from its board of directors. Yes; where the target is broad there is a great cannonade, but the sources more difficult to locate, more skilled in the technicalities of the law which afford protection, commanding greater political influence, and otherwise fortified against molestation, continue to use ever-increasing quantities of raw materials and to swell the supply.

The chemical industry, which must not be continually annoyed and hampered, for its own protection must move for better cooperation by city and State authorities with Federal agencies. It must insist upon better policing and courts which, through keeping their dockets free from overcongestion, can deal adequately with the major offenders. Industry, though innocent, will always be threatened as long as present conditions remain.

In other words, to-day the problem has not so much to do with industrial alcohol and its diversion as it has to do with the better condition of the various agencies that handle enforcement. Other bills recommended by the crime commission and by the President will follow this measure and, when enacted into law, will make for adequate enforcement. I do not believe that the users of industrial alcohol should be penalized. I believe we should leave, as this bill does, the permit division in the Treasury Department. At the proper time I shall offer an amendment to section 5 carrying out further my thought in that respect.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The gentleman from Michigan asks unanimous consent to insert a certain editorial with his remarks. Is there objection?

There was no objection.

Mr. GASQUE. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. IGOE].

Mr. IGOE. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. IGOE. Mr. Chairman and members of the committee, I voted in the committee to report out this bill, but since that time the Attorney General has made a public statement that if this transfer is made into his department he will not employ anybody in charge of the operation of the law unless that person is a total abstainer, and I do not believe in such class legislation. I do not believe the head of any department should choose the men who are to work for him under any such rule. It was said that many of the men who are in the prohibition department, in the course of their duties, have been used by the Government as snoopers and have been allowed money with which to go into cabarets in order to buy evidence for the use of that department. I wonder how the Attorney General is going to work out that proposition, in view of the fact that they are asking for money for that purpose. No matter what department you place this Prohibition Bureau in, I do not believe that you will be able to enforce the prohibition law, and no matter what department you place it in it will simply result in the contamination of that department and in a few years they will be back here asking you to put it in the War Department or some other department. I do not think it is possible at this time to make any change that can possibly go to help enforce this prohibition law.

The gentleman who preceded me, the gentleman from Michigan [Mr. HUDSON], said that 98 per cent of the industrial alcohol in the country is being used for legitimate purposes. This morning in our committee we looked at a report from the thirteenth district, the report made by Commissioner Doran. It showed something like 24,000,000 gallons being diverted from legitimate uses. The chairman of our committee just informed me that in that one district alone it showed 3 per cent diversion. I can not conceive how the gentleman from Michigan can stand on the floor and say that only 2 per cent diversion occurs in the entire United States.

Mr. LAGUARDIA. And that 3 per cent is based on what they actually detected, or wanted to detect.

Mr. IGOE. That is true. That is all they would report to us.

Mr. LAGUARDIA. That is quite different from what is actually going on.

Mr. IGOE. We do not know what is going on. That is all they report to us.

It has often been repeated that "prohibition has had 10 years of noble experimentation." To this statement exception must be taken for if we turn back the pages of biblical history we will find the first noble experiment dates back to the creation of man. God made man and promised him eternal life, providing he did not eat of the fruit of "the tree of life." Later, God, in His infinite wisdom, created a helpmate for man in the form of a woman. There is no evidence that God ever read the prohibitive law to Eve and we might excuse her for

violating it on the ground of ignorance, were it not for the fact that she repeated it to the serpent in the Garden of Eden, showing conclusively that Adam must have warned her of the penalty of death if she partook of the fruit of "the tree of life." Let us try to visualize the picture of the serpent explaining to Eve that the very best fruit in the world was this forbidden fruit and who knows but what he picked the apple and handing it to Eve, said, "Eat and you shall not die." Can you realize the thrill of this first woman crushing the juice of that first apple as she violated the first prohibition law, and tempting Adam when she placed the core of the apple in his mouth? That was the beginning, but it is far from the end of the failure of prohibition.

To-day we have the parallel of our Prohibition Department placing rank poison in alcohol under the prohibition law and informing the citizens of this great country that if they drink of it they shall die. We have millions of bootleggers advising the public that their wise chemists have taken the poison out, and the majority of the people, have explicit trust in the bootlegger, buy and drink his product.

Prohibitionists have declared that the defeat of Alfred E. Smith on the Democratic ticket was a direct blow to the wets. But the fact is there were more Republicans than Democrats, a religious issue had been raised and there was not an actual wet-and-dry campaign, but an expression of opinion. Governor Smith, as a man, sounded his unbiased and unafraid views, just as many others have done since that time. What we all need is more courage to speak our own convictions. If the issue is to be decided wholly on either noise or oratory, it is not an issue worth fighting for or against.

During the years in which this dry experiment has been in progress, people who like to drink have found out where to get it, and that satisfies them. It is easier to remain apparently respectable and secretly wet than it is to be openly wet. Prohibition does not prohibit because the principle of it is fundamentally wrong. Had prohibition prohibited and shut off all supply, then there might have been a revolution. Prohibition did not prohibit, therefore, those who drink secretly are satisfied to "yes" its advocates and let it go at that. The average citizen will say, "Why stir up a fight when we are getting ours and we can get it any time we want it?" Until the individual learns to talk sanely and soundly on the side of personal liberty, the few rights we have remaining will be jeopardized, to say nothing about failing to regain those that are lost. All just laws are made to discourage sinful acts. Any law that is in itself sinful is an unjust law and can not be enforced. Because some people allow themselves to abuse the right of freedom, and it is indeed a very small percentage, it is not a sufficient reason that the liberty of all should be denied for the shortcomings of the few. This is the fundamental principle that has always caused sumptuary laws to be a failure. China tried prohibition for centuries. They beheaded their citizens for the possession of intoxicating liquors. Even the infliction of such extreme penalty failed to prohibit the use of intoxicants and now enlightened China is educating her people to drink beer.

In 1739 England tried prohibition but found it impossible to enforce a nonenforceable law.

Five years ago the Anti-Saloon League was promising its faithful contributors in the United States that "it would make the world dry by 1930." It was pointed out that the great Russian Republic had prohibition, that Turkey, Norway, Finland, the United States, and most all of Canada was dry. This prediction by the Anti-Saloon Leaguers, as usual, was all wrong. Instead of the world being dry as promised, we find that all that is left of the vast territory claimed is Finland, the little Province of Prince Edward Island in Canada, consisting of about 100,000 people, and our own horrible example. What has been the outcome of prohibition in the United States up to the present time? Jails and prisons are filled to bursting, more arrests and convictions than ever before, more police needed, a heavier crime cost than at any time in the past century or more, and less revenue to the Government. Prohibition has not only not made the country better, but it has made the country worse. Homicides, infractions of the law, Government agents being seriously accused of fraud, looting, stealing, drunkenness, rape, and murder, all under the guise of prohibition enforcement. The administration, supported by the Anti-Saloon League in its endeavor to work itself out of the quandary, now proposes to transfer the administrative features of the prohibition act from one Government agency to another. Will that solve the problem that confronts us? The experiment will be carried on for another 10 years under the new agency, and then a proposal will be made to transfer its jurisdiction to another department, for it will be found that the mere transferring of the administrative features of a nonenforceable law and a law that does not have the will of the majority of the people behind it, with a view to forcing the people to obey it, will not meet with success.

The Anti-Saloon League now demands $50,000,000 in the next five years, the same as they did two years ago, to educate the people. The propaganda started at that time with a newspaper blast that an individual had contributed a half million dollars to the prohibitionists' fund. This individual has never denied that such a contribution was made. There was a loud cry about the use of "tainted" money by the prohibitionists. The newspaper accounts told us that the prohibitionists decided that "the Lord sent it, and even if the devil did deliver it, it should be accepted." A statement filed under the Federal corrupt practices act indicates that the total receipts of the Anti-Saloon League for that particular year were less than $87,000, out of which the individual referred to above was credited with contributing $10,000. Their sworn report for the year 1929 shows total contributions in the amount of only $11,927.47. It is not for me to determine the correctness of this statement, but if it should be found to be false I do not believe the people would want to trust those with so little regard for the truth to raise $50,000,000 to be spent under their auspices to dispense educational propaganda throughout the country.

This should especially be true when we are convinced that their predecessors for the past 50 years have succeeded in putting falsehoods in the school textbooks about the evil effect of alcohol on the system and largely through these falsehoods, that were believed to be the truth by a great majority of our present manhood and womanhood, they were able to cause such a prejudice against alcoholic beverages that it was a militant arm to aid in passing the prohibition laws in our several States and finally forcing it on the country as a national calamity.

To show just how far this organization can go along the lines of educating the public, we need only to refer to the first paragraph of the autobiography of the late Wayne B. Wheeler:

> Wayne B. Wheeler controlled six Congresses, dictated to two Presidents of the United States, directed legislation in most of the States of the Union, picked the candidates for the most important elective offices, held the balance of power in both Republican and Democratic Parties, distributed more patronage than any other dozen men, supervised a Federal bureau from outside without official authority, and was recognized by friend and foe alike as the most masterful and powerful single individual in the United States.

And on through the book we find instance after instance where he named the heads of departments for appointments and especially how he controlled the naming of Federal judges. And all of the above was accomplished with an educational fund of only about $67,000,000, spread over a period of some 30 years. It is noted that the framers of the original prohibition law took particular precautions to exclude the farmer, and as a result of their efforts Farmers' Bulletin No. 1075, a publication distributed by the United States Department of Agriculture, was prepared and distributed to thousands of persons residing in the United States. On pages 18 and 19 of this Government publication, which is entitled "Unfermented Grape Juice, How to Make It in the Home," we find on page 18 information is disseminated on how to prepare the grapes in order to get the proper fermentation and then on page 19 is told how to take the ingredients or bodies out so the juice will not be intoxicating. This incident is related to show just what control the framers of this particular bill had even over the Government agencies.

I do not want to give you the thought that all drys can not be trusted. I know many sincere, honest folk who would not misrepresent any subject under any condition, and that they have the interest of this country at heart just as much as I. These people are real temperance people and took the part they did in passing the prohibition law in the firm belief that it would benefit the country at large. They have their same type in Canada who gladly helped to change conditions there just as soon as they saw the terrible conditions arising under prohibition. The same temperate people have brought about the change in Norway, Russia, Turkey, and succeeded in securing a real temperance law under governmental control in Sweden. Some say "that the women of this country will prevent any change in the law." This is an indictment on the intelligence of the women of the United States that is not true. There is no other country in the world that has a more loyal set of women than in this great country or ours, or a more intelligent group that want true temperance. The large number of women, and more especially those who have been formerly active workers in the Woman's Christian Temperance Union and who are now advocating a change in the law, speaks for itself. Show the women a real temperance substitute that will change this orgy of crime that we are passing through without returning to the saloon system and they will be the strongest supporters

of it. When all is said and done, our women are of a higher moral standard than our men and look to the welfare of their home and children with greater interest. Furthermore, they have a better chance to see the evil effects of the illicit traffic in liquor on the young than do the men because of the more hours spent with their children.

As proof that the entire country is having a change of heart about prohibition we need only to examine the changed attitude of the press. It has been said, "That when the eighteenth amendment and Volstead Act were passed that about 95 per cent of all the papers and magazines of the entire country were either for it or would say nothing against it." This attitude continued, we might say, for the first six years of prohibition, with the leading editors of the country still hoping that prohibition would succeed. Then one after the other gave up hope and began to demand a change, until now about 95 per cent of the press of the country, including the leading magazines, are advocating some form of modification. Many of the staunch friends of temperance and former workers for prohibition are now telling the story as they see it and the effect it is going to have on the minds of the people.

Neither can we lose sight of the fact that many ministers of all denominations are earnestly seeking some way out of our desperate situation. While there are still a few ministers like Bishop Cannon who will not listen to reason on the subject, yet the great majority of them are sincerely hoping something will be done to change the present conditions, and are either openly advocating some particular change or keeping silent.

While there are a few physicians grateful to their Government for the yearly subsidy allowed under the prohibition law on their prescriptions, practically all of the leading physicians in all States are disgusted with prohibition.

It is very evident, therefore, Mr. Speaker, that every deep-thinking man and woman of this great country are demanding a modification of the prohibition law, and I look forward to the day when we shall see the unrest that is now prevalent in our country due primarily to this outrageous law entirely eliminated through the enactment of suitable legislation.

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

Mr. GASQUE. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, this is the fourth effort that has come before the House for the reorganization of the personnel charged with the enforcement of prohibition. This change is recommended and sponsored by people who believe in and want prohibition, and who now assure us that with this transfer and the changes in the law this bill provides that prohibition will be enforced. They seek another opportunity to once more try the experiment. With the transfer of the prohibition enforcement bureau to the Department of Justice we grant to the sponsors of and the believers in prohibition everything that they have asked for. It will result in converting the law department of the Government into a bureau of prohibition, but that responsibility rests with the sponsors of this bill. After the transfer to the Department of Justice, if there is any serious attempt to really enforce the law, the next step will be, and I warn the House now, a visit to the Committee on Appropriations and a demand for $50,000,000 or $75,000,000 more to commence to organize the skeleton organization which later will have to be built up to a personnel of nearly 100,000 men, costing in the neighborhood of $100,000,000 a year.

Gentlemen, that is no exaggeration. I need only refer to the progressive increase in appropriations for prohibition to convince anyone that a prophecy of an annual expenditure of $250,000,000 for prohibition within a very few years is no wild guess. In 1920 Congress appropriated $3,750,000 for enforcement. That was the first year. There was no additional appropriations for any other department or bureau for prohibition purposes. For the fiscal year 1931 Congress will appropriate for prohibition enforcement, including Coast Guard and Department of Justice, over $44,998,000. Gentlemen, these are not estimates; they are actual figures taken from the appropriations.

Therefore we are to expect enormous increases and enormous expenditures for prohibition enforcement.

That responsibility also rests with the sponsors of prohibition. I am going to vote for the bill, with notice that we will carefully observe the workings of the Department of Justice and its success in the enforcement of prohibition law, enacted contrary to the will of the majority of the people of this country. And, Mr. Chairman, when I say "the majority of the people of this country" I use that term advisedly, because I mean not the majority who claim that they are for prohibition but the majority of the people demanding and consuming alcoholic beverages and creating the demand for the supply of millions of gallons of liquor.

A great deal has been said to-day about the transfer of the jurisdiction over industrial alcohol. It would seem to me that now that you are making this transfer it is timely to transfer all of the jurisdiction in reference to the enforcement of the law to the Department of Justice, because this bill vests with the Attorney General the enforcement of that law.

All through the bill the Attorney General is not given altogether the duty to enforce the law, but the responsibility is his. It would therefore seem that the proper thing to do is to transfer everything pertaining to alcohol to the Department of Justice.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have one minute more?

Mr. GASQUE. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. LAGUARDIA. Let it not be said that Members of this House who are against prohibition will interfere or hamper the passage of this bill. I for one, at least, with the majority of those who are convinced at this time that the experiment has failed, will vote for the bill, but we do so with notice that we shall carefully observe the operations and activities of the Department of Justice, and after all that, if the law is not enforced, we expect that you will then be willing to admit that prohibition can not be enforced and will then concede the necessity of its modification. [Applause.]

Mr. WILLIAMSON. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. CLANCY].

The CHAIRMAN. The gentleman from Michigan [Mr. CLANCY] is recognized.

Mr. CLANCY. Mr. Chairman, ladies, and gentlemen, I give notice now that on to-morrow or at the proper time I am going to present amendments to this bill, if not already made before I get the opportunity, providing for the complete control of industrial alcohol, the permits for such, and regulations, in the Treasury Department.

This bill provides for dual control in the Justice and Treasury Departments, and to that I am opposed. I stand with big business using industrial alcohol in a legitimate way throughout the country against inquisitions and snooping by the Justice Department in innocent and beneficial business.

One of the best things that can be said of this bill to-day is that it is a trial balloon, which is now being sent up for business, using industrial alcohol to look at and study. Industry did not get fair warning so that it could realize the probable effects of this drastic change and present its case before the House committee.

This I get from an editorial in the American Chemical Society magazine of this month, February, 1930, which makes bitter complaint against the switch to the Justice Department, and argues for the Treasury Department control. Neither myself nor anybody for whom I speak would want to complain that the treatment of Representative WILLIAMSON, of South Dakota, and chairman of the committee handling this Williamson bill, has been anything but fair and courteous and highly considerate.

He deserves no censure and has been the instrument of forces rushing the bill hastily through the House.

Now, I hope and am confident that the business world using industrial alcohol will be allowed to study closely the probable effects of this dual control, and will register their full strength against extreme measures. I refer now to the drug, oil, paint, varnish, toilet preparations, automobile, and other industries using industrial alcohol in enormous amounts.

This question is so lively that Dr. James M. Doran, Commissioner of the Prohibition Bureau, endangered his standing with the powerful drys by attacking extremists and radicals in this field before the Anti-Saloon League national convention in Detroit a few weeks ago. He warned that legitimate business is thoroughly disgusted with the snooping methods directed against them and of the great danger to industry, science, hospitals, research, and so forth, in unbridled and fanatical restrictive measures.

Now, I am not confident that we friends of legitimate business can amend this bill here in the House so as to retain control in the Treasury Department, but at least we can make the record and warn the country. Then we can hope that the Senate will thoroughly analyze the bill, have full hearings, and remedy any vicious features, especially the dual control with the Justice Department coming in.

I tried to have this bill amended, while it was in the committee last week, to protect innocent sellers of automobiles and trucks. The credit companies and auto sellers lose hundreds of thousands of dollars each year through the Government seizing many cars carrying contraband liquor. They not only seize autos carrying liquor for commercial purposes, such as by boot-

leggers and rum runners, but they confiscate the auto of the householder or of the normally good citizen who is carrying a bottle for individual use and not to sell.

The innocent auto sellers, who sell the car on time and take a small down payment, suffer a heavy loss under present law, and that is what the great automotive organizations wanted corrected, but the committee was under orders to allow absolutely no amendments, and so I lost my fight to correct this grievous wrong. But that battle is not totally lost, and if the Senate does not amend this bill in that respect, the contest will be carried to other quarters.

The bone drys have always suspected the Treasury Department largely because Andrew Mellon—never a dry fanatic—is at the head of it. The report that Mr. Mellon will stay some time in the Treasury Department is undoubtedly true, but I believe he is about 75 years old, and may retire of his own motion any time.

Then the drys may get a man as arid as my distinguished colleague from Michigan [Mr. CRAMTON] in his place, and then the Treasury Department will smell very sweet to the drys.

I have no criticism to make at present of Mr. Mitchell, the Attorney General in charge of the Justice Department. He did a fine thing when he issued an order against Federal agents tapping the telephone wires of citizens. I protested very violently against that terrible, un-American practice. Dry fanatics had even tapped the wire in the home of the biggest Federal official in Michigan, the collector of customs. They had scores of private telephone wires in Detroit tapped and agents of low character, potential blackmailers, were listening to the most intimate conversations.

I introduced a bill in Congress against the practice. I was afraid some extreme dry like Mrs. Mabel Walker Willebrandt might have the private phone of Herbert Hoover in the White House tapped. But Mr. Mitchell abolished the dastardly practice, because of the storm of protests, without express legislation of Congress on the subject.

My colleague from Michigan [Mr. HUDSON], who spoke just before me, said he hoped the drug companies and other manufacturers and users interested in industrial alcohol will not be injured or hampered unduly by this new legislation. But I understood from his speech—and I may be wrong—that he stands for the dual control of the Justice and Treasury Departments, and that is what the drug companies and many others in the alcohol business more or less oppose very emphatically. I will prove that absolutely.

Detroit happens to be the center of the drug industry of the world. The companies there are absolutely opposed to this bill as it now stands, with regard to dual control. They emphatically want all the control retained in the Treasury Department and want no undue interference from the Justice Department.

They have finally achieved, after much suffering, an understanding with the Treasury Department, which, after all, is a business department. They will understand the chemists, doctors, and business men. These alcohol users do not want the snoops, Hawkshaws, detectives, patrolmen, and lawyers of the Justice Department prying into their legitimate business, which they have run to the satisfaction of all honest men for many years.

These business men are not criminals and do not want to be treated as such. The Department of Justice is organized primarily to deal with crime, and they have the criminal-hunting and criminal-punishing instinct. Of that the drug and other alcohol interests are absolutely convinced.

Parke, Davis & Co., established in my district in Detroit, and which is the largest drug company in the world, is opposed 100 per cent to the Justice Department snooping into their business. This company for decades has enjoyed the highest reputation for honor and honesty, ethics and morality, fair play and square dealing, as have the other protesting companies, which I shall now quote.

They are the gilt-edge business men, and their names rank high in the blue book of industry.

Parke, Davis & Co. wired me as follows:

> No legitimate user of alcohol should be required to operate under the supervision of two Government departments. You are respectfully urged to oppose this bill to the end that it may be so amended as to give the Treasury Department, which is a business department, unrestricted control of the permit system under the national prohibition act.

Frederick Stearns & Co., which is one of the very largest drug companies in the world, even more emphatically says:

> We protest particularly against the transfer of the permissive features of the act to a department which can not possibly have any adequate knowledge of or sympathy with the requirements of industry for alcohol as an indispensable basic commodity. Under no conditions should the permissive features of the act be transferred from the efficient and experienced personnel of the Treasury Department, which is functioning in a highly satisfactory manner.

I have another similar telegram from McKesson, Farrand, Williams Co. Also, one from the Digestive Ferments Co., in which it is stated:

> We believe that the permit system should be left unrestricted in the hands of the Treasury Department, which is the business department. Please do what you can to prevent the passage of the above-mentioned bill.

Mr. SNELL. Will the gentleman yield?

Mr. CLANCY. Yes.

Mr. SNELL. Does the gentleman think that such legitimate users of alcohol as Parke, Davis & Co., when they really find out it is not the intention of this legislation to put any more obstacles in their way, would object to the transfer?

Mr. CLANCY. I will say to the gentleman from New York that Parke, Davis & Co. have been dealing with the Government and Congress for at least 50 years, and they do not pay any attention to the off-hand promises given on the floor in such legislation as this. They do not want to be hampered unjustly, and believe this bill will do just that.

Mr. SNELL. Of course, if that is their position, it is entirely different than I suspected it would be.

Mr. CLANCY. I now quote a portion of remarks of J. M. Doran, Commissioner of Prohibition, before the annual convention of the Anti-Saloon League, Detroit, Mich., January 17, 1930:

> What about industrial alcohol and the permit system? One hundred million gallons of alcohol was produced and used last year. Exhaustive inquiries and careful examination of all figures and data available show a diversion of not to exceed two and three-quarter million gallons, less than 3 per cent of the entire production and less than one-fifth of the diversion of three years ago.
>
> Our administrators and special agents are doing wonderful work in still further reducing this diversion, and important cases have been developed with the aid of various United States attorneys during the past six months. For every gallon of industrial alchol diverted there were at least 7 or 8 gallons of high-proof alcohol produced illicitly from corn sugar and put on the bootleg market in the form of alcohol, gin, and allege import whisky. The corn-sugar racket now surpasses all others in the field of operation of the bootlegger.
>
> If under the lash of extremists and politicians, harsh and restrictive measures are adopted toward scientific and industrial groups before the facts are discerned we will witness a terrific blow to scientific and commercial progress in the United States. An honest business or professional man concerned with his normal activities will succumb long before the crook is reached.
>
> Regulations can not be made 100 per cent preventive or self-executing If that were possible an unethical professional man or a crooked lawyer would never have been licensed to practice medicine or be admitted to the bar. None of these assaults on the permissive system will apprehend a single additional gangster or smuggler, or try a single additional case in a United States or State court.
>
> The crippling of our scientific and educational institutions, our medical arts, and our commercial organizations dependent on the efficient and rapid movement and procurement of essential alcohol supplies is too big a price to pay for extreme national prohibition.

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

Mr. GASQUE. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER of Wisconsin. Mr. Chairman and members of the committee, I support this bill and support the minority report for the reasons set out very clearly in that report. The people of the country know and the Members of this House know that I am opposed to the sumptuary prohibition laws.

The failure of prohibition is inherent in its principle, and is not due to faulty methods of enforcement. So long as the American people refuse to recognize the act of drinking as an evidence of moral guilt, prohibition will be a failure.

The eighteenth amendment has changed the Constitution from a charter of rights and liberties to a criminal statute book. How can people respect a Constitution which make the act of temperance a crime? What is fundamentally wrong with our prohibition laws is the fact that they are in conflict with the laws of nature. Prohibition is wrong in principle and a failure as a remedy for the evils of intemperance.

Mr. Speaker, the bill before us is neither a prohibition nor an antiprohibition piece of legislation. It is legislation to de-

termine the method of enforcing a law which is now incorporated in the Federal statutes. If I could by one stroke of the pen remove the Volstead Act from the statutes, I would do so immediately and without hesitation.

If this bill is enacted, with the amendment incorporated therein as embodied in the minority report, we will give Federal prohibition an opportunity to be tried out to its full capacity. After the bill is thus enacted and we find the same deplorable condition existing as we have had in the past 10 years—and I know it will be almost as deplorable, if not just as deplorable—then I say it will be time for those who believe in law and order and respect for government and respect for law to come forward and assist in modifying the sumptuary prohibition laws.

Give the noble experiment of our colleague, Congressman DYER, a 10-year trial. [Applause.] Modify the Volstead law to permit the manufacture and sale of good, healthful, nutritious, nonintoxicating beverages containing 2.75 per cent of alcohol by weight for consumption in homes and places other than the place of sale. Give this noble experiment a trial, and you will find that you will greatly aid in removing the curse of the excessive intemperate use of distilled alcoholic beverages, which swept this Nation subsequent and prior to Federal prohibition.

Now, with reference to the opposition to this bill raised by the flood of telegrams coming from druggists, permit me to state that a representative of the National Association of Retail Druggists appeared before our committee and brought forward his opposition. Following the presentation of his case, the committee and the Assistant Attorney General, who is to have charge of prohibition enforcement under this consolidation bill, carefully considered the arguments he advanced, and we incorporated in our recommendations amendments which will take care of and protect the druggists.

I believe that many of the letters and telegrams which Members of this House have received were sent by the druggists before they had knowledge that the committee had adopted such amendments.

I urge you to support the views of the minority and give the Attorney General, the law-enforcing branch of the Government, complete authority to enforce this prohibition monstrosity.

I want to tell the honest, law-abiding business institutions who use industrial alcohol, including the drug stores, that they have nothing to fear if this bill is passed with the minority amendment incorporated therein. Of course, in a few instances it will inconvenience some of them, no doubt, but we must expect that under prohibition. Mr. Speaker, under the existing prohibition laws a great many of the American people are inconvenienced. Millions of our people who are firm believers in temperance are denied a healthful glass of 2.75 per cent nonintoxicating beer and wine in order to protect, as we are told, the small minority of intemperate drunkards. So if we do inconvenience a few by enacting this bill we are not inconveniencing nearly as great a percentage as we did when we passed the prohibition laws and denied a man the right of having a bottle of 2.75 per cent beer, while at the same time we are allowing a fellow man to go to one of these drug stores that is opposing this provision and purchase a bottle of Virginia Dare, Peruna, or some other similar beverage containing a great deal more alcohol than a bottle of 2.75 per cent beer.

Mr. BLACK. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. I must hasten along and discuss other provisions of the bill. I will yield to the gentleman a little later, if I have the time.

I want to call the attention of the Members to some of the other committee amendments.

First, to the amendment contained in lines 2, 3, 4, and 5 on page 3. This amendment directs the Attorney General to remove from the prohibition force all prohibition officers and employees who he finds have heretofore or shall hereafter violate any penal provisions of the Federal prohibition law.

Some may say he has that authority. But, friends of law enforcement, be you wet or be you dry, this amendment will strengthen the hands of the Attorney General and will prevent law-violating prohibition agents from being kept on the pay roll and transferred to some other part of the country, as has happened in the past. The amendment will greatly assist the Attorney General to turn aside pleas from some politicians who desire law-violating prohibition agents kept on the Government pay roll.

While I do not agree with the opinion of the Attorney General in so far as requiring that a prohibition-enforcement officer shall give up his constitutional rights and guaranties in so far as advocating a change of existing law is concerned, I want to say, as a sincere opponent of prohibition, that I want him to remove from the force all of the drunken, crooked, grafting prohibition agents, whether or not they have political friends who sit in the seats of the mighty. [Applause.]

There is another very vital portion of this bill covered by a committee amendment.

As the bill was originally introduced, it created a bureau of narcotics and industrial alcohol. The committee has unanimously recommended an amendment changing the designation of this bureau to the bureau of industrial alcohol.

In this connection I wish to say that the bureau of narcotics should not be absorbed in the industrial alcohol bureau, and this Congress at an early date should enact into law the bill introduced by that distinguished gentleman from Pennsylvania [Mr. PORTER] and create a separate bureau to enforce the narcotic laws. I believe this committee amendment will meet with the favor of a great majority of the Members of the House.

Much has been said about industrial alcohol, and as far as I am concerned, although I do not agree with her views favoring prohibition in so far as obtaining facts with reference to the diversion of industrial alcohol is concerned, I would take the word of the former Assistant Attorney General, Mrs. Mabel Walker Willebrandt, in preference to that of the present Prohibition Commissioner, Doctor Doran. [Applause.]

In a syndicated article appearing in the Milwaukee Journal of Saturday, August 10, 1929, chapter 6, Mrs. Willebrandt states:

> In my honest judgment, the greatest single source of liquor supply to-day is alcohol diverted illegally from concerns bearing the stamp of respectability in the form of a Government permit.

She further states in this article:

> In my legal opinion, the regulations issued by the Treasury Department could be so drawn as to drive these "cover houses" practically out of business. To do it would, however, mean standing firm against a tremendous lot of pounding from the organized drive of thousands of permittees with heavy political influence. I know this because repeatedly my office has recommended legal changes in the regulations.

These are the words of Mrs. Willebrandt.

Now, those of you, be you wet or dry, who sincerely favor the enforcement of the prohibition laws while they are on the statute books, take heed of the statement of Mrs. Willebrandt which I have just quoted. If you want to leave the avenue open and clear for hordes of permittees to exercise political pressure and continue this illegal diversion, then oppose the amendment which has been submitted to the House by a respectable-sized minority of the Expenditures Committee.

If you sincerely believe in law enforcement, support that minority amendment.

Mrs. Willebrandt wrote a book entitled "The Inside of Prohibition." This book was copyrighted in 1929; pages 54 and 55 state:

> In October, 1928, in Baltimore, Col. A. W. W. Woodcock, an able United States attorney, successfully prosecuted an alcohol case which is quite typical of the kinds of fraud of diversion which very often are not detected or stopped. This was an "inside deal." An election official of the State of Maryland bribed chemists in charge of the denaturing process and others who operated the pumps which carried the pure alcohol to tanks. He spent altogether in bribes $6,000. The participants loaded a car with pure alcohol and billed it as "pyro"—a denatured alcohol used in automobile radiators. The election official being notified of the car's initials and number diverted it and sold the contents in the bootleg trade. He succeeded in getting about 10 cars out that way in a year. A simple calculation shows how much money he made in these transactions which were discovered. One carload of pure alcohol would make 64,000 quarts of synthetic whisky. At $4 a quart the 10 cars reached a bootleg value of $2,560,000. Even if obliged to bribe a few city police and deduct the price of bottling and delivery, the conspirators made a small fortune on an initial outlay in the form of a bribe of only $6,000.

This is only one example. A report just came to the Committee on Expenditures covering the administration of industrial alcohol in the thirteenth district, with headquarters at Chicago, and contains evidence clearly indicating wholesale, illegal diversions of alcohol in the past.

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

Mr. GASQUE. I yield the gentleman two additional minutes.

Mr. SCHAFER of Wisconsin. I will hasten along. I want to incorporate in my remarks Table 44, page 63, of the report of the Commissioner of Prohibition for 1929. The figures contained in the report will indicate the startling increase in leakage and evaporation on withdrawals of distilled spirits, other than alcohol produced at industrial alcohol plants, from bonded warehouses under prohibition:

TABLE 44.—*Production, tax-paid withdrawals, leakage allowed, exportation, and balances in warehouses of distilled spirits other than alcohol produced at industrial alcohol plants, years ended June 30, 1919–1929* [1]

(Statement in tax gallons)

Fiscal year	Produced	Tax-paid withdrawals	Leakage allowed	Withdrawn for export	Remaining in warehouses
1919	100,778,540.6	83,681,026.5	13,200,141.7	16,863,372.2	73,618,496.0
1920	82,331,686.8	23,890,404.7	2,553,287.9	34,319,336.9	54,290,484.9
1921	2,827,674.1	9,681,199.0	2,364,071.4	256,261.9	42,900,957.3
1922	2,257,195.4	2,760,926.6	858,306.6	206,901.5	39,789,976.9
1923	2,222,783.9	1,819,148.0	1,201,497.0	454,565.5	36,418,962.5
1924	1,631,803.4	1,856,562.8	1,394,460.6	348,233.3	33,164,296.6
1925	1,332,713.7	1,972,058.3	1,190,331.2	163,467.5	29,839,805.1
1926	1,538,274.5	1,948,827.5	1,256,780.0	233,353.3	26,553,999.5
1927	1,148,880.1	1,715,075.9	1,152,159.5	176,179.8	23,518,961.9
1928	1,364,865.8	1,613,534.6	1,446,521.9	140,674.5	20,554,540.4
1929	2,421,706.1	1,616,923.5	1,303,495.4	319,523.2	17,271,589.2

[1] The above figures include brandy.

Mr. Chairman, if we enact the pending bill with the minority amendment incorporated therein, the Attorney General will be able to reduce this excessive leakage and evaporation which we know does not result entirely from natural causes. We will, no doubt, find that much of this leakage and evaporation is outright diversion to bootleg channels.

How can any Member of this House who honestly believes in law enforcement, be he classed in favor of or against prohibition, oppose the minority committee amendment? How can any Member consistently oppose this amendment on the ground advanced by our colleague from Michigan in the name of industrial-alcohol users?

Mr. Chairman, when this great Government begins to operate under this law, if we write in this minority amendment, the honest, law-abiding industrial-alcohol users will find that we have rendered them a great service in cleaning out these wildcat permittees, whose only purpose is to divert industrial alcohol to bootleg channels. [Applause.]

Mr. Chairman, it is more essential from a law-enforcement standpoint to effectively enforce the prohibition law against these great bootleg monopolies than to continually pester and harass law-abiding druggists and physicians and a poor individual who possesses or transports a bottle of light beer or a gill of liquor. [Applause.]

Mr. MONTET. Will the gentleman yield?

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

Mr. GASQUE. I yield the gentleman half a minute more.

Mr. SCHAFER of Wisconsin. I yield.

Mr. MONTET. Does not the gentleman think that this diversion that took place in Chicago was due more to the demands of nature than to the acts of nature?

Mr. SCHAFER of Wisconsin. It was due to the demands of nature, assisted by human minds and hands for selfish purposes.

Mr. WILLIAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act and had come to no resolution thereon.

RELIEF OF THE STATE OF ALABAMA

Mr. WOOD. Mr. Speaker, I ask unanimous consent to rerefer Senate bill 2093, for the relief of the State of Alabama, for damage to and destruction of roads and bridges by floods in 1929, from the Appropriations Committee to the Committee on Roads.

The SPEAKER. The gentleman from Indiana asks unanimous consent to rerefer Senate bill 2093 from the Committee on Appropriations to the Committee on Roads. Is there objection?

There was no objection.

INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES (H. DOC. NO. 284)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Acting Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $30,000 for the expense of the sixth session of the Permanent International Association of Road Congresses, to be held in Washington, D. C., October, 1930.

HERBERT HOOVER,

THE WHITE HOUSE, *February 6, 1930.*

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5191. An act to authorize the State of Nebraska to make additional use of Niobrara Island;

H. J. Res. 232. Joint resolution to amend the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928;

H. J. Res. 240. Joint resolution making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona;

H. J. Res. 241. Joint resolution making an additional appropriation for the fiscal year 1930 for the cooperative construction of the rural post roads; and

H. J. Res. 242. Joint resolution making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 5191. An act to authorize the State of Nebraska to make additional use of Niobrara Island;

H. R. 6621. An act to extend the times for commencing and completing the construction of a bridge across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 7642. An act to extend the time for completing the construction of the approaches of the municipal bridge across the Mississippi River at St. Louis, Mo.;

H. J. Res. 170. Joint resolution providing for a study and review of the policies of the United States in Haiti;

H. J. Res. 240. Joint resolution making an appropriation to enable the Secretary of Agriculture to meet an emergency caused by an outbreak of the pink bollworm in the State of Arizona;

H. J. Res. 241. Joint resolution making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads; and

H. J. Res. 242. Joint resolution making an appropriation to carry out the provisions of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929.

ADJOURNMENT

Mr. WILLIAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned to meet to-morrow, Friday, February 7, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 7, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

Navy Department appropriation bill.

(2 p. m.)

District of Columbia appropriation bill.

COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To amend the World War adjusted compensation act, as amended, by extending the time within which applications for benefits thereunder may be filed (H. R. 9102).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(11 a. m.)

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 1809).

For the relief of the congested conditions in the Federal courts of the United States and conferring jurisdiction on United States commissioners to hear pleas of guilty on information previously filed by the United States district attorney or his deputy and assess punishment as provided for by law, and providing for an appeal by any person aggrieved (H. R. 3139).

To authorize United States commissioners to hear all complaints of misdemeanor violations of the law (H. R. 8579).

To confer upon commissioners of the United States district courts jurisdiction to try and determine misdemeanors, as defined by section 335 of the United States Penal Code adopted March 4, 1909 (H. R. 8756).

To amend the national prohibition act (H. R. 8913).

To provide for summary prosecution of slight or casual violations of the national prohibition act (H. R. 8914).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924, as amended (H. R. 8133).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce (H. R. 5663).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the protection of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets (H. R. 6981).

EXECUTIVE COMMUNICATION, ETC.

314. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1930, to remain available until June 30, 1931, amounting to $50,000 (H. Doc. No. 283) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 14. Joint resolution to provide for the annual contribution of the United States toward the support of the Central Bureau of the International Map of the World on the Millionth Scale; without amendment (Rept. No. 623). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 1970. A bill authorizing the payment of an indemnity to the British Government on account of the death of Samuel Richardson, a British subject, alleged to have been killed at Consuelo, Dominican Republic, by United States marines; without amendment (Rept. No. 624). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 14. A bill to make the Star-Spangled Banner the national anthem of the United States of America; with amendment (Rept. No. 627). Referred to the House Calender.

Mr. GRAHAM: Committee on the Judiciary. H. R. 5411. A bill to provide for the appointment of an additional district judge for the district of Minnesota; with amendment (Rept. No. 628). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BUTLER: Committee on Claims. H. R. 1159. A bill for the relief of the Delaware & Hudson Co., of New York City; without amendment (Rept. No. 625). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. H. R. 6119. A bill for the relief of the Gray Artesian Well Co.; without amendment (Rept. No. 626). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 5863) for the relief of Arnold C. Riley, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 9586) to provide for regulating traffic in certain clinical thermometers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOCH: A bill (H. R. 9587) to provide for the method of measurement of vessels using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSON: A bill (H. R. 9588) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; to the Committee on Interstate and Foreign Commerce.

By Mr. LARSEN: A bill (H. R. 9589) to amend the agricultural marketing act so as to provide for the making of loans for reforestation, naval stores, and peaches; to the Committee on Agriculture.

By Mr. PARKS: A bill (H. R. 9590) to provide for the appointment of one additional district judge for the eastern and western districts of Arkansas; to the Committee on the Judiciary.

By Mr. WHITE: A bill (H. R. 9591) to establish load lines for American vessels in the coastwise trade, the trade on the Great Lakes, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928; to the Committee on the Merchant Marine and Fisheries.

By Mr. BELL: A bill (H. R. 9593) authorizing the purchase of a site for a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9594) authorizing the purchase of a site for a post-office building at Buford, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9595) authorizing the purchase of a site for a post-office building at Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9596) authorizing the purchase of a site for a post-office building at Winder, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9597) authorizing the purchase of a site for a post-office building at Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. BLOOM: A bill (H. R. 9598) to amend the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LEAVITT: A bill (H. R. 9599) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes; to the Committee on Agriculture.

By Mr. FULLER: A bill (H. R. 9600) to provide for the commemoration of the Battle of Pea Ridge, Ark.; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 9601) to provide for the appointment of an additional circuit judge for the third judicial circuit; to the Committee on the Judiciary.

By Mr. ZIHLMAN: A bill (H. R. 9602) to amend the act of Congress approved March 16, 1926, establishing a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes; to the Committee on the District of Columbia.

By Mr. MARTIN: Joint resolution (H. J. Res. 243) authorizing an appropriation to defray one-half of the expenses of a joint investigation by the United States and Canada of the probable effects of proposed developments to generate electric power from the movement of the tides in Passamaquoddy and Cobscook Bays; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BLOOM: Memorial of the Legislature of the State of New York, memorializing Congress to speedily enact legislation which will prevent the Federal courts from acquiring jurisdiction in local public-utility rates until the highest court in the State has passed upon them; to the Committee on the Judiciary.

By Mr. O'CONNOR of New York: Memorial of the Legislature of the State of New York memorializing Congress to speedily enact legislation which will prevent the Federal courts from acquiring jurisdiction in local public-utility rates cases until the highest court in the State has passed upon them; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 9603) granting an increase of pension to Mary Ellen Smith; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 9604) granting a pension to Uzetta A. Ingram; to the Committee on Invalid Pensions.

By Mr. CARTER of Wyoming: A bill (H. R. 9605) authorizing the President to reappoint Victor E. Biehn, formerly first lieutenant, United States Army, to the active list of the Army; to the Committee on Military Affairs.

By Mr. CHASE: A bill (H. R. 9606) granting an increase of pension to Nancy Hale; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 9607) for the relief of Helen Patricia Sullivan; to the Committee on Claims.

By Mr. FISH: A bill (H. R. 9608) for the relief of Louise Odenwalder Regan; to the Committee on Military Affairs.

By Mr. GARNER: A bill (H. R. 9609) for the relief of Llewellyn B. Griffith; to the Committee on Military Affairs.

By Mr. HOOPER: A bill (H. R. 9610) granting a pension to Dora Gibson; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 9611) granting a pension to James E. Tiner; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 9612) for the relief of Claude E. Dove; to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 9613) granting an increase of pension to Hannah Lemon; to the Committee on Invalid Pensions.

By Mr. KIEFNER: A bill (H. R. 9614) granting an increase of pension to Nancy A. Higdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9615) granting a pension to Caroline Surrell; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 9616) authorizing the appointment of Charles W. Albright as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. LETTS: A bill (H. R. 9617) granting an increase of pension to Mary A. Stolcolp; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 9618) granting an increase of pension to Martha A. Epperly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9619) granting a pension to James T. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9620) granting an increase of pension to Martha J. McKee; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 9621) granting an increase of pension to Jane Grim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9622) granting an increase of pension to Matilda Grimm; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 9623) granting a pension to Anna Margaret Vogts; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 9624) granting an increase of pension to Mary Ann Kelly; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 9625) granting a pension to Minnie E. Searle; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 9626) granting an increase of pension to Susannah C. Whitmire; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 9627) granting an increase of pension to Effie Harkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4162. By Mr. BOYLAN: Letter from the National Civil Service Reform League, New York City, N. Y., favoring an amendment to House bill 8574, providing for the transfer of the Prohibition Bureau to the Department of Justice, so as to include in the competitive service the position of Assistant Director of Prohibition and the positions of attorneys employed in that unit; to the Committee on the Judiciary.

4163. Also, letter from the Camp Fire Club of America, favoring national-park standards; to the Committee on the Public Lands.

4164. Also, letter from Citizens Medical Reference Bureau, New York City, opposing House bills 3143 and 8807; to the Committee on Interstate and Foreign Commerce.

4165. Also, letter from the Women's League for the Protection of Riverside Park, New York City, favoring the "Bald eagle protection bill"; to the Committee on Agriculture.

4166. By Mr. BRUMM: Petition of Rufus A. Copenhaver and other citizens of New Ringgold, Schuylkill County, Pa., urging immediate action on the pending bill to provide an increase of pension for Spanish-American War veterans; to the Committee on Pensions.

4167. By Mr. BUCKBEE: Petition of John T. Harris and 73 other citizens of Oglesby, Ill., asking for early consideration and passage of House bill 2562, providing for increased rates of pension to men who served in the Spanish-American War; to the Committee on Pensions.

4168. By Mr. BURTNESS: Petition of 65 citizens of Grafton, N. Dak., for the speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

4169. By Mr. CARTER of California: Petition signed by John P. Ferle, John May, and 34 others of Oakland, Calif., urging the passage of House bill 2562 granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

4170. Also, petition signed by J. L. Darms, P. A. Backschirs, M. M. Steel, and 20 others of Alameda County, Calif., urging the passage of House bill 2562, granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

4171. Also, petition signed by Herbert Beckwith, Frederick S. Harrison, and 77 others of Oakland, Calif., urging the passage of House bill 2562 granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

4172. Also, petition signed by George Stacey, F. J. Barbee, and 75 others of Oakland, Calif., urging the passage of House bill 2562 granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

4173. Also, petition signed by C. G. Larson, Minnie Hutter, and 23 others of Oakland, Calif., urging the passage of House bill 2562 granting an increased pension to veterans of the Spanish War; to the Committee on Pensions.

4174. Also, petition signed by W. E. Witter, F. P. Prothero, and 60 others of Oakland, Calif., urging the passage of House bill 2562 increasing the pension of veterans of the Spanish War; to the Committee on Pensions.

4175. By Mr. CARTER of Wyoming: Petitions of citizens of the State of Wyoming asking that Congress do justice to the veterans who fought against Spain in 1898 or during the Philippine insurrection and Chinese rebellion during the years 1899 to 1902, by granting them an increase of pension, as provided for in House bill 2562; to the Committee on Pensions.

4176. Also, petitions of citizens of the State of Wyoming requesting Congress to increase the pensions of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4177. By Mr. COOPER of Wisconsin: Memorial of Women's Patriotic Conference on National Defense, urging Congress to enact legislation to limit and control immigration from countries of the Western Hemisphere; to the Committee on Immigration and Naturalization.

4178. By Mr. CRADDOCK: Petition of M. J. Bennett, and others of Mead County, Ky., urging that legislation providing increased pension for Spanish-American War veterans be favorably considered by this Congress; to the Committee on Pensions.

4179. Also, petition of John F. Hix, Hardinsburg, Breckinridge County, Ky., urging that Congress favorably consider legislation increasing pensions to Spanish-American War veterans; to the Committee on Pensions.

4180. By Mr. CRAMTON: Petition of Lodge No. 8, Shipmasters' Association, signed by Capt. J. D. Baird, secretary, Marine

City, Mich., protesting against the enactment of the La Follette bill, S. 306; to the Committee on Interstate and Foreign Commerce.

4181. Also, petition signed by C. W. Robson and 39 other residents of Memphis and Richmond, Mich., urging favorable action on legislation to give increased pension to Spanish-American War veterans; to the Committee on Pensions.

4182. By Mr. DALLINGER: Petition of the executive committee of the Flavoring Extract Manufacturers' Association adopted at its regular quarterly meeting in New York City, January 31, 1930, relative to House bill 8574, being a bill to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a bureau of prohibition in the Department of Justice, and for other purposes; to the Committee on the Judiciary.

4183. By Mr. DAVENPORT: Petition of Liscum Wheeler Camp 33, Sons of Veterans, Utica, N. Y., favoring increased pensions for veterans of the Spanish-American War as provided in Senate bill 476; to the Committee on Pensions.

4184. By Mr. EATON of Colorado: Petition signed by 29 voters of Denver, Colo., petitioning for passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4185. Also, petition signed by 43 voters of Denver, Colo., urging passage of House bill 2562; to the Committee on Pensions.

4186. By Mr. ELLIS: Petition of Sol Katz and 62 other indorsers, seeking consideration and passage of House bill 2562 and Senate bill 476, for the relief of Spanish-American War veterans; to the Committee on Pensions.

4187. By Mr. EVANS of California: Petition of Genevieve Church Lutz and 49 others, urging increase of pensions of Spanish War veterans; to the Committee on Pensions.

4188. By Mr. HADLEY: Petition of citizens of Lake Burien, Wash., urging enactment of legislation for the further relief of Spanish War veterans; to the Committee on Pensions.

4189. By Mr. HARDY: Petition signed by J. W. Furguson and a number of people of Pueblo, Colo., urging the passage of legislation to increase the pensions of Spanish War veterans; to the Committee on Pensions.

4190. By Mr. HUDDLESTON: Petition of numerous residents of Jefferson County, Ala., in behalf of more liberal pensions for Spanish War veterans; to the Committee on Pensions.

4191. By Mr. HUDSON: Petition of citizens of Livingston County, Mich., urging favorable action on legislation bringing greater benefits to the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

4192. By Mr. JOHNSON of Texas: Resolution of Texas State Bottlers' Association, opposing increase in the tariff on sugar; to the Committee on Ways and Means.

4193. By Mr. KENDALL of Kentucky: Petition of the citizens of the town of Raceland, Greenup County, Ky., urging that immediate steps be taken to bring to a vote House bill 2562 and Senate bill 476; to the Committee on Pensions.

4194. By Mr. KINCHELOE: Petition signed by citizens of Daviess County, urging legislation to increase rates of pension for Spanish War veterans; to the Committee on Pensions.

4195. By Mr. KORELL: Petition of residents of Portland, Oreg, favoring passage of legislation to increase pensions of the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4196. By Mr. LAMPERT: Petition signed by citizens of Fond du Lac, Wis., requesting immediate and favorable consideration of House bill 2562, providing for increased pensions for veterans who served during the war with Spain; to the Committee on Pensions.

4197. By Mr. LANKFORD of Virginia: Petition of J. A. Mannard, 118 Florida Avenue, Portsmouth, Va., and others, urging action on Senate bill 476 and House bill 2562 and speedy passage of same; to the Committee on Pensions.

4198. By Mr. LEAVITT: Petition of David Arms and other citizens of Hinsdale, Mont., favoring increased rates of pensions for veterans of the Spanish-American War, widows of veterans, and their orphans; to the Committee on Pensions.

4199. By Mr. LEHLBACH: Petition of citizens of the tenth congressional district of New Jersey in support of House bill 2562; to the Committee on Pensions.

4200. By Mr. LETTS: Petition of Oscar Clark and other citizens of Davenport, Iowa, urging the passage of pension legislation in behalf of the Spanish-American War veterans; to the Committee on Pensions.

4201. By Mr. LOZIER: Petition of numerous citizens of Linn County, Mo., urging the enactment of Senate bill 476 and House bill 2562 providing for increased rates of pensions for Spanish-American War veterans; to the Committee on Pensions.

4202. By Mr. PARKS: Petition of citizens of Prescott, Ark., urging Congress of the United States for the early enactment of the pension bill proposed by the National Tribune granting an increase of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

4203. Also, petition of citizens of Lewisville, Ark., for tariff on coconut oil, etc.; to the Committee on Ways and Means.

4204. By Mr. PEAVEY: Petition of citizens of Shell Lake, Wis., urging passage of the Spanish War veterans' bill for increase of pension; to the Committee on Pensions.

4205. By Mr. QUAYLE: Petition of Dr. Lillian Delger Powers, Red Squirrel Farm, White Plains, N. Y., urging the passage of the "bald eagle protection bill"; to the Committee on Agriculture.

4206. Also, petition of Women's Committee for Repeal of the Eighteenth Amendment, of New York City, to consult the people upon the question of retaining or repealing the eighteenth amendment to the Constitution; to the Committee on the Judiciary.

4207. By Mr. RAMSEYER: Petition of citizens of Newton, Iowa, urging favorable action on Senate bill 476 and House bill 2562 providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4208. By Mr. ROBINSON: Petition signed by Mrs. B. T. Mowbray, of Waterloo, Iowa, and 20 of the members of the Silver Cross Circle of the Kings Daughters and Sons of Waterloo, Iowa, urging the passage of legislation for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

4209. By Mr. SELVIG: Petition of Fairfax-Andover Club, Crookston, Minn., signed by John Perry, indorsing request for more hospital beds for veterans' hospitals in Minnesota; also indorsing the conservation program for Minnesota; to the Committee on World War Veterans' Legislation.

4210. By Mr. SINCLAIR: Petition of 29 citizens of Columbus, N. Dak., and vicinity, in favor of legislation to increase pensions of veterans of the war with Spain; to the Committee on Pensions.

4211. By Mr. SWICK: Petition of C. A. Norrington and 75 residents of Butler, Pa., urging favorable consideration of House bill 2562 and Senate bill 476, providing for increased rates of pension to men who served in the armed forces of the United States in the war with Spain; to the Committee on Pensions.

4212. By Mr. SWING: Petition of 71 of the citizens of San Diego, Calif., favoring Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

4213. Also, petition of 116 citizens of the eleventh congressional district submitted by E. A. Pettet, of Yucaipa, Calif., in support of Senate bill 476 and House bill 2562; to the Committee on Pensions.

4214. By Mr. THOMPSON: Petition of citizens of Montpelier, Ohio, urging passage of the bill to increase pensions of Spanish War veterans, H. R. 2562; to the Committee on Pensions.

4215. By Mr. VINCENT of Michigan: Petition of residents of Shiawassee County, Mich., urging more liberal pension legislation for veterans of the Spanish-American War; to the Committee on Pensions.

4216. By Mr. WALKER: Petition of 100 citizens of Berea and Madison County, Ky., urging the passage of Senate bill 476 and House bill 2562, legislation for the relief of Spanish War veterans and dependents; to the Committee on Pensions.

4217. By Mr. WATSON: Petition signed by residents of Bucks County, Pa., urging more adequate relief for the veterans of the Spanish-American War; to the Committee on Pensions.

4218. By Mr. WYANT: Petition of Jacobs Creek Council, Junior Order of United American Mechanics, Jacobs Creek, Pa., advocating passage of legislation placing Mexican immigration on quota basis; making The Star-Spangled Banner the official national anthem, and opposing repeal of national origins clause in immigration laws; to the Committee on Immigration and Naturalization.

4219. By Mr. YATES: Petition of E. C. Hallbeck, 4832 Lake Park Avenue, Chicago, Ill., urging passage of House bills 1815 (Dale-Lehlbach bill), 6603 (44-hour week for postal employees, also 4-hour Saturdays), and 6797 increasing salaries of postal employees; to the Committee on the Post Office and Post Roads.

4220. Also, petition of George F. Batty, postmaster, Greenfield, Ill., urging passage of House bill 5686, placing position of third-class postmaster under the civil service; to the Committee on the Civil Service.

4221. Also, petition of Thornton O. Smallwood, Olga Smallwood, Emma Oldberg, 7808 Union Avenue, Chicago, Ill., urging support of House bill 7994, "bald eagle protection bill"; to the Committee on Agriculture.

4222. Also, petition of John Dobie, 1517 Holmes Avenue, Springfield, Ill., urging passage of "bald eagle protection bill"; to the Committee on Agriculture.

4223. Also, petition of James Broockman, 5538 South Laflin Street, and other citizens of Chicago; James M. Flynn, adjutant, and members of John A. Logan, Jr., Camp No. 17, United Spanish War Veterans, Danville, Ill.; Mrs. A. E. Hansen, 617 Avenue E South, Galesburg, Ill.; and Mr. William H. McKinty, Douglas, Ill., urging passage of House bill 2562, increasing pensions of Spanish-American War veterans; to the Committee on Pensions.

4224. Also, petition of William H. Hasemeyer and other citizens of Essex, Ill.; A. W. Potter, Galesburg, Ill.; Joseph A. Belot, 2715 Ward Street, Chicago, Ill.; F. A. Rossetter, Maude L. Rossetter, and Kate Long, Peoria, Ill.; and Carpenters' Union, No. 241, Moline, Ill., urging passage of House bill 2562 granting increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

4225. Also, petition of Thomas J. Asher, 6528 Lakewood Avenue, and other citizens of Chicago, Ill.; Theodore Long and other citizens of Galesburg, Ill.; Nellie Lacy, 6052 Champlain Avenue, and other citizens of Chicago, Ill.; urging passage of House bill 2562 granting increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

4226. Also, petition of John M. Whitehead, 846 Kellogg Street, Galesburg, Ill.; E. I. Hyde, 2647 Maypole Avenue, and other citizens of Chicago; Lynn J. Browning, formerly sergeant Company K, Third Battalion, Second Regiment, United States Volunteer Engineers, 1898, Clifford C. MacLean, 3340 Fulton Street, and other residents of Illinois; urging passage of House bill 2562 increasing pensions of Spanish-American War veterans; to the Committee on Pensions.

4227. Also, petition of W. C. Hallgren, 340 West Fifty-ninth Place, Chicago, Ill., urging the passage of House bill 2562, to increase the pensions of veterans of the war between the United States and Spain; to the Committee on Pensions.

4228. Also, petition of William A. Johnson, 152 West Maria Street, Galesburg, Ill., urging passage of House bill 2562, proposing increased rates of pensions to Spanish War veterans; to the Committee on Pensions.

4229. Also, petition of F. W. Peters, 1908 South Lombard Avenue, Berwyn, Ill., urging passage of House bill 2562 and Senate bill 476, proposing increased rates for veterans of the war with Spain; to the Committee on Pensions.

4230. Also, petition of J. H. Knewtson, 669 Maple Avenue, Galesburg, Ill., requesting the early enactment of House bill 2562 and Senate bill 476, for the relief of veterans of the Spanish War, Philippine insurrection, and Boxer relief expedition; to the Committee on Pensions.

4231. Also, petition of Warren Williams, Rural Free Delivery No. 5, Galesburg, Ill., urging passage of House bill 2562, for the relief of veterans of the war with Spain; to the Committee on Pensions.

4232. Also, petition of Sophie C. Righords, 1152 West Elliott Avenue, Springfield, Ill., and 75 other citizens of Springfield, Ill., urging the passage of legislation for the relief of Spanish War veterans; to the Committee on Pensions.

4233. Also, petition of Chester A. Sidener, 1145 West Colhon Avenue, Springfield, Ill., requesting the passage by Congress of House bill 2562, for the relief of the soldiers of the Spanish-American War; to the Committee on Pensions.

4234. Also, petition of F. Brandt, 2012 Cortland Street, and other citizens of Chicago, Ill.; E. H. D. Couch, adjutant, Department of Illinois, United Spanish War Veterans, Peoria, Ill.; and W. E. Hamerstrom, 864 North Kellogg Street, Galesburg, Ill., urging passage of House bill 2562, granting increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

4235. Also, petition of Henry S. Cowder, 6250 South Albany Avenue, and other citizens of Chicago, Ill., and Bertram E. Green, secretary Green Sales Co., 252 South, urging passage of House bill 2562, granting increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

4236. Also, petition of Hugh G. Morris, 5705 Prairie Avenue, and other citizens of Chicago, Ill.; Walter I. Craft, 7405 Kimbark Avenue, Chicago, Ill.; Harry F. Zoll, 210 West Seventieth Street, and other citizens of Chicago; and J. A. Jacobs, route 3, Galesburg, Ill., urging passage of House bill 2562, granting increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

4237. Also, petition of Martha Rose, 8530 Oglesby Avenue, Chicago, Ill., urging the passage of legislation to increase the pensions of veterans of the Civil War and the widows of veterans; to the Committee on Invalid Pensions.

4238. Also, petition of E. G. Hendert, 922 North Grove Avenue, Oak Park, Ill., and other residents of Oak Park, Ill., urging passage of legislation for an increase of pensions for soldiers who served in the war with Spain; to the Committee on Pensions.

4239. Also, petition of Joseph N. Spillman, Knoxville, Ill., urging Congress to pass House bill 2562, to increase the relief of soldiers who served in the Spanish-American War; to the Committee on Pensions.

4240. Also, petition of T. R. Kniton, 441 South Academy Street, Galesburg, Ill., requesting the early passage by Congress of House bill 2562, for the relief of soldiers who served in the war with Spain; to the Committee on Pensions.

4241. Also, petition of H. C. Miller, 515 North Stone Street, Decatur, Ill., and 35 other citizens of Decatur, Ill., urging speedy consideration and passage of the Robinson-Capper school bill now before the United States Congress; to the Committee on Education.

SENATE

FRIDAY, *February 7, 1930*

(Legislative day of Monday, January 6, 1930)

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

NAMING A PRESIDING OFFICER

The Chief Clerk read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 7, 1930.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SIMEON D. FESS, a Senator from the State of Ohio, to perform the duties of the Chair this legislative day.

GEORGE H. MOSES,
President pro tempore.

Mr. FESS took the chair as Presiding Officer.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Allen	Fletcher	Keyes	Shortridge
Ashurst	George	La Follette	Simmons
Baird	Gillett	McCulloch	Smith
Barkley	Glass	McKellar	Smoot
Bingham	Goff	McMaster	Steiwer
Black	Goldsborough	McNary	Stephens
Blaine	Gould	Metcalf	Sullivan
Blease	Greene	Norbeck	Swanson
Borah	Grundy	Norris	Thomas, Idaho
Bratton	Hale	Nye	Thomas, Okla.
Brock	Harris	Oddie	Townsend
Broussard	Harrison	Overman	Trammell
Capper	Hatfield	Patterson	Tydings
Copeland	Hebert	Phipps	Vandenberg
Couzens	Heflin	Pine	Walcott
Cutting	Howell	Ransdell	Walsh, Mass.
Dale	Johnson	Robinson, Ind.	Walsh, Mont.
Deneen	Jones	Robsion, Ky.	Waterman
Dill	Kean	Schall	Watson
Fess	Kendrick	Sheppard	Wheeler

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is detained from the Senate on account of illness in his family. I ask that this announcement may stand for the day.

Mr. NYE. I desire to announce the unavoidable absence of my colleague [Mr. FRAZIER].

Mr. SHEPPARD. I wish to announce that the Senator from Virginia [Mr. SWANSON], the Senator from Arkansas [Mr. CARAWAY], the Senator from Iowa [Mr. STECK], and the Senator from New York [Mr. WAGNER] are detained from the Senate on official business.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the Naval Arms Conference meeting in London, England. Let this announcement stand for the day.

I also wish to announce that the senior Senator from Nevada [Mr. PITTMAN] and the junior Senator from Arizona [Mr. HAYDEN] are necessarily absent from the Senate attending a conference in the West relating to the diversion of the waters of the Colorado River. I wish this announcement to stand for the day.

I also desire to announce that the Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Eighty Senators have answered to their names. There is a quorum present.